

Appeal Decisions

Site visit made on 15 November 2016

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 November 2016

Appeal A Ref: APP/U5930/W/16/3154705

39a St Georges Road, Leyton, Waltham Forest E10 5RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mohamed Rehan Mayet against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 153549, dated 24 November 2015, was refused by notice dated 26 February 2016.
 - The development proposed is the erection of a first floor extension.
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Appeal B Ref: APP/U5930/W/16/3154737

39a St Georges Road, Leyton, Waltham Forest E10 5RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mohamed Rehan Mayet against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 153547, dated 24 November 2015, was refused by notice dated 2 March 2016.
 - The development proposed is a loft conversion with rear and side dormer and front skylights.
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Decision

1. Appeal A is allowed and planning permission is granted for the erection of a first floor extension at 39a St Georges Road, Leyton, Waltham Forest E10 5RH in accordance with the terms of the application, Ref 153549, dated 24 November 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SGR/101 Rev A; SGR/102 Rev A; SGR/103 Rev A and SGR/104 Rev A.
 - 3) The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building, unless the prior written approval of the Local Planning Authority is obtained to any variation.
 2. Appeal B is dismissed.
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Procedural Matter

3. In refusing the application subject of Appeal B, the Council set out the list of plans on the decision notice. I note the appellant has submitted a different set of drawings with Appeal B that appear to relate to a different scheme and do not relate to the description of development. I have therefore determined Appeal B on the basis of the plans listed on the relevant decision notice.

Main Issues

4. The main issues in both appeals are the effect of the proposed development on the character and appearance of the area. With regard to Appeal A, there is an additional main issue: the effect of the proposed development on the living conditions of 37 and 39 St Georges Road and 1 to 9 Beaconsfield Road, with particular reference to outlook.

Reasons

Character and Appearance

5. The appeal site is a two storey end terrace with a hipped roof that forms part of an established residential area. The property is split into two self-contained flats which benefit from rear extensions at ground and first floor. Both extensions, like others nearby on St Georges Road and Beaconsfield Road extend a considerable distance into the rear garden. The ground floor extension extends across the full width of the dwelling, tight against the boundary fence with No 37. The first floor extension is handed nearest properties on Beaconsfield Road. The ground floor flat is also served by a single storey side extension that abuts the rear boundary of Nos 3 and 5 who have flat roof dormer windows in their rear roof planes.
6. The site is visible on approach from the junction of St Georges Road and Beaconsfield Road, due to the gap between properties on the respective roads. The first floor extension subject of Appeal A would add additional depth to the existing built form. However, the scale of the extension is modest and although its depth would be beyond that of neighbouring properties, there is considerable variance in the building lines at the rear. Thus, there is no set building line that defines the character of the terrace.
7. In my view, the first floor extension has been designed sympathetically to ensure it would integrate with the host building and the surrounding area. The hipped roof form and use of matching materials would assist in achieving this. I therefore consider the extension would not have a harmful effect on the character and appearance of the building or the area.
8. Dormer windows are a feature in a number of properties in Beaconsfield Road and St Georges Road. The scheme subject of Appeal B would insert dormer windows in the side and rear roof planes. Each would have a pitched roof and be set beneath and back from the ridge and eaves line respectively, creating a proportionate addition. They would provide additional living space for the occupants of No 39a.
9. Although the dormers would effectively use space provided by the existing property, the side dormer window would deviate from the design of the hipped roof terrace that contributes to the character and appearance of the St Georges Road. Whilst suitable materials and a pitched roof would be used, the

proposed side dormer would give the property an unbalanced appearance. Due to its siting, the side dormer window would be prominent in St Georges Road.

10. The effect of the rear dormer would be far less, having regard to its siting, design and scale as well as the nearby dormers, and I do not consider that it would adversely affect St Georges Road or the surrounding area. The rear dormer would not unbalance the property as it would be tucked beneath the ridge line which would largely obscure it from view.
11. The two skylights in the front roof plane would assimilate into the character and appearance of the building and the wider area. They would be proportionate additions to the roof plane and they would not detract from its visual appearance.
12. Accordingly, I conclude that in respect of Appeal A that the proposed development would comply with Policy CS15 of the Waltham Forest Local Plan Core Strategy (Core Strategy) and Policies DM4 and DM29 of the Development Management Policies Local Plan (DMPLP) and the Residential Extensions and Alterations Supplementary Planning Document (REASPD). In terms of Appeal B the proposed development would significantly harm the character and appearance of the area contrary to Policy CS15 of the Core Strategy, Policies DM4 and DM29 of the DMPLP, the REASPD and the Urban Design Supplementary Planning Document. These policies and guidance, amongst other things, seek developments to respond and reinforce the local character of the street scene and maintain harmony with the original building.

Living Conditions

13. The varied south west facing rear building line of Nos 1 to 9 face the flank elevation of the first floor extension serving No 39a. The appeal site does taper slightly to the rear which does lessen the gap between them.
14. The flank elevation of the original dwelling and the existing first floor extension currently span between Nos 1 to 5. The proposal would add depth to the extension, resulting in the built form reaching part way across the rear boundary of No 7. As a consequence of this layout, the appeal site does already create a sense of enclosure and characterise the outlook that occupants have. However, this type of relationship is not uncommon to the local area which contains long extensions or outriggers that lessen spaces between properties and lead to habitable windows being close to long blank elevations.
15. While the scheme subject of Appeal A would elongate the first floor flank elevation, I do not consider the scale of the extension, given the use of a hipped roof would result in a materially different form of development. As such, it would not lead to an adverse effect, with regard to the living conditions of occupants in Nos 1 to 9 which have also been extended at the rear.
16. The occupants of No 39 live solely on the ground floor of the property. Beneath the first floor extension is a single storey extension which serves No 39. This extends much wider and longer than either the current or proposed first floor extension. As the extension subject of Appeal A would be built above this, it cannot result in a harmful effect on the living conditions of No 39.
17. Adjacent to the site is No 37. Windows at ground and first floor are within the recessed part of its rear elevation, set back from the single and two storey projections attached to Nos 37, 39 and 39a. Both windows are enclosed by

virtue of the existing built form at the rear. Nevertheless the first floor extension serving No 39a is handed away from the first floor window of No 37, thereby maintaining some relief.

18. Thus I consider, in light of the proposed extension's position and outlook created by the existing built form that the affect would not result in an excessive loss of outlook from No 37. Whilst the proposed first floor extension would add to the sense of enclosure from these openings, the existing built form already does this. Therefore, I consider the living conditions of the existing and future occupants will be satisfactorily maintained.
19. On this issue, in respect of Appeal A, I conclude that the proposed development would comply with Policy CS13 of the Core Strategy, Policies DM4, DM29 and DM32 of the DMPLP as well as the REASPD. These policies together, amongst other matters, seek to ensure the living conditions of neighbouring occupants are not excessively affected by development.

Conclusion and Conditions

20. I have regard to the conditions suggested by the Council in respect of Appeal A. I have imposed a condition specifying the approved plans as this provides certainty. A condition is necessary relating to matching materials to ensure the development harmonises with the character and appearance of the host building and in particular the existing first floor extension.
21. For the reasons set out above, I conclude that Appeal A should succeed and Appeal B should be dismissed.

Andrew McGlone

INSPECTOR