
Appeal Decisions

Site visit made on 13 December 2016

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 22 December 2016

Appeal A - Appeal Ref: APP/U5930/D/16/3159735 8 Comely Bank Road, Walthamstow, E17 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1 Class A.1 (g) of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Stephen Ballinger against the decision of the London Borough of Waltham Forest.
 - The application Ref 162750, dated 16 August 2016, was refused by notice dated 14 September 2016.
 - The development proposed is single storey rear ground floor extension to the existing family dwelling.
-

Appeal B - Appeal Ref: APP/U5930/D/16/3159590 8 Comely Bank Road, Walthamstow, E17 9ND

- 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 Stephen Ballinger against the decision of the London Borough of Waltham Forest.
 - The application Ref 162153, dated 27 June 2016, was refused by notice dated 8 September 2016.
 - The development proposed is single storey ground floor side infill and rear extension; rear extension replaces the existing.
-

Decisions

1. Appeal A is allowed and approval is granted under the provisions of Schedule 2, Part 1, Class A.1(g) of the Town and Country Planning (General Permitted Development) Order 2015 for single storey rear ground floor extension to the existing family dwelling at 8 Comely Bank Road, Walthamstow, E17 9ND in accordance with the terms of the application Ref 162750, dated 16 August 2016, and the plans submitted with it.
2. Appeal B is allowed and planning permission is granted for single storey ground floor side infill and rear extension; rear extension replaces the existing at 8 Comely Bank Road, Walthamstow, E17 9ND in accordance with the terms of the application, Ref 162153, dated 27 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S001; S002; S003; S100; S200; A001 and A100.

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

3. For Appeal A, the main issue is the effect of the proposed development on the living conditions of the occupiers of No 6 Comely Bank Road (No 6) having specific regard to outlook and light.
4. For Appeal B, the main issues are:
 - The effect of the proposed development on the living conditions of the occupiers of No 6 having specific regard to outlook; and
 - The effect of the proposed development on the character and appearance of the property and the area.

Reasons

Appeal A

5. The appeal property is a two-storey mid-terraced dwelling house with rear outrigger which adjoins its neighbour at No 10 Comely Bank Road, and which subsequently results in a narrow space between it and the boundary with No 6. Also attached to the outrigger is a single-storey structure which currently contains a kitchen and a separately accessed toilet. No 6 comprises the adjoining building as well as a large two-storey building to the rear of its plot; all of which I am told are occupied as flats.
6. The provisions of the Town & Country Planning (General Permitted Development) Order 2015 (GPDO) require the Local Planning Authority to assess the proposed development solely on the basis of its impact on the amenity of adjoining premises, taking into account any representations received.
7. I observed at my site visit that No 6 extends further to the rear and it is set on slightly higher ground than the appeal site, and the common boundary is reinforced with a relatively tall fence mounted on concrete plinths. The height of the proposed development, which would have a flat roof, would be comparable to the existing boundary fence, and I am satisfied that the proposed development would not unduly protrude over the common boundary or dominate the neighbouring flats. As such, the proposed development would not have any significant harm to outlook to the neighbouring occupiers. I am also satisfied that the height of the proposed development, and having regard to the daily path of the sun, would not result in any significant harm to loss of light.
8. I therefore find that there would be no significant harm to amenity to neighbouring occupiers, and I conclude that the appeal should be allowed and approval granted. The appellant should note that Paragraphs A.3 (a) and A.4 (13), (14), and (15) of the GPDO requires materials used in any exterior work must be of a similar appearance to those of the existing dwelling; and that the development shall be completed on or before 30 May 2019 and that the developer shall notify the Local Planning Authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of

the development; and the date of completion. There is therefore no need for me to apply the conditions suggested by the Council in its questionnaire.

Appeal B

9. The proposed development here would include a pitched roof and would be larger in depth than the Appeal A scheme. However, the extension would not be noticeably taller to the eaves than the Appeal A proposal, and the slope of the roof would incline away from the boundary and towards the side wall of the existing property. While there would be built form along the boundary of some 5.4m extending from the rear wall of No 6, I am satisfied that it would not raise any new issues that I have not already found in Appeal A, and that the proposed development would not amount to any significant harm to outlook to the occupiers of the neighbouring flats.
10. I acknowledge that the proposed development would be sizeable in depth as it seeks to infill the gap between the property and No 6. However, it would not be significantly so large such that I am not persuaded that the proposed development would subsequently appear disproportionate or insubordinate or as an excessively dominating extension to the dwelling, and I am satisfied the remaining form and features of the dwelling would be readily identifiable and appreciable. The Council has not indicated any vantage points, and I observed none at my site visit, where the proposed development would be visible from surrounding streets such that I find the proposed development would have little bearing on the character and appearance of the area.
11. I therefore find that the proposed development would accord with Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 and policy DM29 of the Waltham Forest Local Plan Development Management Policies 2013 (DMP). These state that the Council will facilitate sustainable housing growth by requiring high quality architecture and urban design to ensure it makes a positive contribution to improving the urban environment in the borough, and give strong recognition to local distinctiveness. It would also accord with DMP policy DM4 and its supplementary planning document entitled 'Residential Extensions and Alterations', which states that the Council will expect extensions to residential buildings to relate to the original host building and respect the street scene and character of the area.

Conditions

12. I have considered the conditions suggested by the Council against paragraph 206 of the National Planning Policy Framework, and I am satisfied they would meet those requirements. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to materials is necessary to ensure the appearance of the development would be satisfactory.

Conclusion

13. For the reasons given above I conclude that Appeals A and B should be allowed.

R Allen

INSPECTOR