The Planning Inspectorate

Appeal Decision

Site visit made on 12 December 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 22nd December 2016

Appeal Ref: APP/U5930/W/16/3158074
33A Preston Road, Leytonstone E11 1NL

- 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 Pani Patsalos against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 160023, dated 6 January 2016, was refused by notice dated 5 April 2016.
- The development proposed is a roof extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The effect on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal site consists of a semi-detached property located on the southern side of Preston Road that has been subdivided into two residential flats. The building is subdivided horizontally. No 33A is the first floor flat above the ground floor premises at No 33. The building has an L-shaped footprint with accommodation within a shared outrigger with No 31. No 33A has access to a rear garden via a stairwell located adjacent to the side return of the outrigger.

4. The character of the surrounding semi-detached properties along Preston Road is similar to the appeal property with shared rear outriggers an original feature. Land levels gradually rise from west to east and also gently rise to the south towards semi-detached properties which face Chadwick Road.

5. Policy CS15 of the Waltham Forest Local Plan Core Strategy (CS), adopted March 2012 and Policies DM4 and DM29 of the Waltham Forest Local Plan Development Management Policies (DMP), adopted October 2013, relate to design principles for new development. When taken together, the policies require a high standard of design which reinforce and / or enhance local character and distinctiveness, including the relationship to the host building, respecting the street scene and taking account of patterns of development.

6. The Waltham Forest Residential Extensions and Alterations Supplementary Planning Document (SPD), adopted February 2010, and the Waltham Forest Urban Design Guide SPD, adopted February 2010, although published before

the CS and the DMP provide specific guidance that assists interpretation of the policies. The Urban Design SPD requires consideration of development in terms of scale, height, form and massing which links directly to Policy DM29 of the DMP. The Residential Extensions and Alterations SPD relates more specifically to roof extensions and dormers, including for buildings with an L-shaped footprint. The guidance states that permission will not normally be granted for dormer extensions that turn the corner of the L-shape to create one large extension due to the visual impact on the character of the building.

7. The appeal proposal would introduce a larger dormer roof extension with an L-shaped design. The roof extension would consist of a flat roof section located above the rear roof slope of the main property, with an extended roof element located above the rear outrigger. The roof extension would subsume almost the entire roofslope of the main roof, aside from a minimum set back from eaves level. It would also cover a significant proportion of the roof of the shared outrigger for part of its depth with a projection above the ridge line.

8. The resultant visual effect would be a dominant, insubordinate and incompatible addition of significant bulk and massing with a design and proportions that would be wholly at odds with the character of the host property. The roof extension would also introduce an unbalanced appearance to the two storey shared outrigger. Use of materials such as timber cladding would emphasise the harmful contrast of the roof extension.

9. The visibility of the rear roof extension would be well screened from both the Preston Road and Chadwick Road street scenes due to its siting and the position of surrounding properties. Nevertheless, the roof extension and its harmful relationship to the host building and the adjacent semi-detached property would be visible from surrounding dwellings and rear gardens. In this respect, the harmful scale and form associated with the appeal proposal fails to build upon the positive elements of the host property and the shared outrigger. I, therefore, consider that the proposal would significantly harm the character and appearance of the host property and the surrounding area.

10. In reaching the above findings, I observed that No 37 has an existing rear dormer which was visible above its shared outrigger with No 35. Based on the evidence before me, the roof extension at No 37 appears to have been erected under permitted development rights. In contrast, there is no evidence before me that the appellant intends to undertake the works required to return the appeal premises to a single dwelling, therefore similar permitted development rights do not apply to the appeal property. This is important because I consider that the extension at No 37 is harmful due to its prominent and dominant effect on the character and appearance of the host building arising from its scale, form and materials. Its presence is therefore neither a positive architectural feature nor an overriding precedent for the appeal proposal.

11. The appellant has also made reference to examples of other roof extensions in Preston Road and Chadwick Road. However, the full details of the circumstances which led to the roof extensions in the wider area are not before me and similarly to No 37 a number may have been erected under permitted development rights. In any case, the examples drawn to my attention were not visible from the property or its rear garden and therefore, have no influence on the existing character and appearance of the appeal property or its immediate surroundings.

12. Rooflights are a common feature of the Preston Road street scene. The rooflights proposed in the front roofslope are relatively modest in size and could be integrated appropriately into the roofslope. Consequently, the rooflights would not have an adverse effect upon the character and appearance of the host property and the surrounding area. However, the absence of concern in this respect does not justify the harm otherwise identified.

13. The appeal site is not designated within a Conservation Area or located within the setting of a listing building. However, the absence of such a designation or proximity to heritage assets does not justify harmful development. This is noting that the National Planning Policy Framework (the Framework) attaches great importance to the design of the built environment, whilst seeking high quality and inclusive design for all development.

14. A number of previous appeal decisions[1] in Waltham Forest were brought to my attention by an interested party. Although there are some parallels with the form of development subject to this appeal, it is evident that there are differences in terms of the character of the respective areas. I therefore, determine this appeal on its own merits based on the evidence before me.

15. I conclude that the development would significantly harm the character and appearance of the host property and the surrounding area. The proposal would, therefore, conflict with Policy CS15 of the CS, Policies DM4 and DM29 of the DMP and guidance within the Residential Extensions and Alterations SPD and the Urban Design SPD. The policies are consistent with the Framework. Although Policy CS13 of the CS was also identified by the Council's reason for refusal, I find no specific conflict with that policy relating to this matter.

Other Matters

16. The development would improve the habitable space available in the property and would therefore, have modest benefits in that respect. In addition, there would be short term economic benefits relating to the construction works required. Nevertheless, the limited benefits are not sufficient to outweigh the harm that I have identified. Consequently, the development would not be sustainable development relative to the Framework as a whole.

17. The extension would be contained within the existing roof form and therefore would not have a significant effect in terms of overbearing or overshadowing on the immediately adjacent Nos. 31 or 35. Furthermore, the proposed windows would not offer a considerably different view of the rear gardens of Nos. 31, 33 and 35, which are already overlooked, and would be no closer than existing windows to properties at the rear. However, the absence of concern in these respects is a neutral factor.

Conclusion

18. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR

[1] APP/U5930/D/14/2218534, APP/U5930/D/14/2225390, APP/U5930/W/14/3002424, APP/U5930/C/15/3003325, APP/U5930/W/15/3027989 & APP/U5930/D/15/3134279