
Appeal Decision

Site visit made on 24 January 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/U5930/W/16/3159599

Flat 1, 46 Upper Walthamstow Road, Walthamstow E17 3QQ

- 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 Guy Stephens against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 161348, dated 28 April 2016, was refused by notice dated 21 July 2016.
 - The development proposed is the demolition of rear existing single storey extension that adjoins the ground floor apartment, and construction of a new 3m deep single storey extension; together with alterations to existing side conservatory, and the construction of a new side extension to the rear of the existing side extension to align with the flank wall of the main house, and which forms part of the proposed rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of rear existing single storey extension that adjoins the ground floor apartment, and construction of a new 3m deep single storey extension; together with alterations to existing side conservatory, and the construction of a new side extension to the rear of the existing side extension to align with the flank wall of the main house, and which forms part of the proposed rear extension at Flat 1, 46 Upper Walthamstow Road, Walthamstow E17 3QQ in accordance with the terms of the application, Ref 161348, dated 28 April 2016, 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 approved plans: AP_01, AP_02, AP_03, AP_04 and AP_07 received on 28 April 2016 and AP_05 (Revision A) and AP_06 (Revision A) received on 14 July 2016.
 - 3) The materials to be used for the external surfaces of the development hereby permitted shall match those used in the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent works with regards to the method used and to materials, colour, texture and profile, unless the prior written approval of the Local Planning Authority is obtained to any variation, or except where otherwise stated on the approved plans.
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Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the area and (ii) the living conditions of the occupiers of No. 48 Upper Walthamstow Road with particular regard to outlook and light.

Reasons

3. The appeal property is a ground floor flat located within a two storey semi-detached property. The property is not listed nor within a Conservation Area. The property is located in a mature well-established residential area, typically characterised by terraced and semi-detached dwellings set back from the road behind front gardens/driveways.
4. The proposal would entail the construction of an L-shaped single storey extension at the side and rear of the property. The single storey side extension would project out by approximately 3m from the side elevation of the outrigger of the property with a shallow pitched roof with a maximum eaves height of about 3m and a maximum ridge height of about 3.2m. The extension would adjoin the dwelling's existing single storey extension providing a combined extension measuring approximately 11.3m alongside the main house. The side extension would not be visible from the road at the front behind the existing side extension nor above the boundary gate and fence between 46 Upper Walthamstow Road (No. 46) and adjacent property at No. 48.
5. The proposed work to the rear would replace the existing conservatory and result in a single storey addition that would extend the full width of the house and project out by approximately 3m from the rear elevation of the property. This part of the extension would project out broadly in line with the conservatory at the rear of the adjacent property at No 48 and would be visible from Dean Gardens to the west of the appeal site.
6. The single storey form of the proposed extensions, set back behind the existing side extension together with the use of matching materials and fenestrations would ensure the proposal would sit relatively unobtrusively against the two storey form of the main property. This would allow the proposal to achieve an appropriate degree of subordination to the main property and as such the overall bulk and form of the proposed extensions would not significantly detract from the architectural integrity of the host property. The scale and form of the proposal would not be out of character with the single storey side extension and the conservatory at No. 48 and would have limited impact on the street scene in the surrounding area.
7. I have noted the Council comments regarding the existing side extension at No. 48 not having the benefit of planning permission and could be the subject of enforcement action. Whilst this may be the case, I have considered the site specific circumstances in this case and, for the reasons set out, my decision does not turn on these matters.
8. I have noted the other developments drawn to my attention by the appellant. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to those of the present appeal proposal. The extensions have different development characteristics to the appeal scheme. I therefore accord them limited weight as precedents in this case.

9. Consequently, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. It would be consistent with the overall local character and design aims of Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy 2012 (CS) and Policies DM4 and DM29 of the London Borough of Waltham Forest Local Plan Development Management Policies 2013 (DMP). These policies, amongst other things, seek to ensure that new development demonstrates a high quality design that respects and responds positively to the local context and the character of the area. It would also accord with the Council's Residential Extensions and Alterations Supplementary Planning Document 2010 (SPD) and Urban Design Supplementary Planning Document 2010 (UD SPD) which include similar aims relating to good design in residential extensions and alterations including subordinate additions.

Living conditions of the occupiers of the neighbouring property

10. The proposed side extension would be set back from the side boundary by approximately 1m and be separated from No. 48 by a 2m high fence. The appeal site slopes gently towards the rear of the site.
11. The Council's SPD outlines that it is generally inappropriate to infill an L-shaped plot as this can create a tunnel effect at the rear of a property that results in an overbearing impact on the neighbouring properties. Evidence provided by the Council shows that the proposed extension would breach the 45 degree rule from the edge of the nearest ground floor windows of the habitable rooms at the rear of No. 48.
12. However, whilst I accept that there would be some impact from the proposal, given the overall height of the extension, boundary treatment, site levels, set back and the orientation of the two properties, I consider that the proposal would not significantly reduce the amount of light reaching the main habitable rooms at the rear of No. 48, nor dominate the views to cause an unacceptable sense of enclosure at the rear of No. 48. The outlook at the rear of No. 48 is already toward the boundary fence and top part of existing side extension at No. 46 and as such, the relationship between the proposed side extension and adjacent property would not be significantly different to the existing situation on the site.
13. Consequently, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring property with particular regard to outlook and light. Despite a technical breach of the 45 degree rule guidance, given the site specific circumstances, I consider that the proposal would accord with the overall amenity aims of Policies CS2, CS13 and CS15 of the CS, Policies DM4, DM29 and DM32 of the DMP, UD SPD and the SPD that seek that ensure that new development protect the amenity of the occupiers of existing buildings and neighbouring properties.

Conditions

14. In addition to the standard time limit condition, I have specified the approved plan as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces of the development match those of the existing property.

Conclusion

15. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR