

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: 14 February 2017

Appeal Ref: APP/U5930/W/16/3157354

80 Hatherley Road, Waltham Forest, Walthamstow E17 6SB

- 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 T Hussain against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 161178, dated 5 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed is construction of a two storey side and a single storey rear extension to form 1 x 1 bedroom residential unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the host property and the area and (ii) the living conditions of the occupiers of the neighbouring properties with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal site forms part of the driveway/garden area at the side of No. 80 Hatherley Road (No. 80) a two storey semi-detached property that occupies a prominent corner plot at the junction of Hatherley Road and Campbell Road.
 5. The property is located in a mature well-established high density residential area, typically characterised by terraced and semi-detached dwellings set back from the road. The properties are relatively evenly spaced, of comparable scale and form, with uniform separation distances between them. No. 80 being situated on a corner plot has more expansive grounds, which add to the open character and appearance of the street scene.
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6. The proposal would entail the provision of a one bedroom house that would be achieved through the construction of a two storey side extension with a single storey extension attached at the rear. The two storey side extension would extend across the full depth of the house and would project out by about 3m from the side elevation of the property up to the site boundary with a hipped pitched roof to match the existing property. The proposed work to the rear would result in a single storey addition with a flat roof and a garden area.
7. The proposed dwelling, by virtue of its scale and siting, would impact on the openness and character of the plot in relation to the surrounding area. Such positioning, on what is a characteristic open gap between No. 80 and the adjacent road, would compromise the sense of space and openness and interrupt the established rhythm of development in the area. These shortcomings are exacerbated by the dwelling's prominent position, which would be visible from a number of public vantage points along Hatherley Road and Campbell Road. As such, I consider that the proposed dwelling would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the character and appearance of the area.
8. I have considered the appellant's comments about the Council's references to their Residential Extensions and Alterations Supplementary Planning Document 2010 in the context of this proposal and the need for the proposed development to be subordinate to the host property. Whilst this guidance may not be directly relevant, the principle that the development is subordinate still applies. The proposed development would be a significant addition relative to the main property and would fail to achieve an appropriate degree of subordination to the main house. In this context, I consider the proposed dwelling would detract from the architectural integrity of the host property and the character and appearance of the area.
9. I have noted the other developments in the area drawn to my attention by the appellant. The examples provided showing the single storey garage and the house on the opposite corner plots on Campbell Road have different development characteristics to the appeal scheme. I therefore accord them limited weight as precedents in this case.
10. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the host property and the area. It would be contrary to overall local character and design aims of Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 (CS) and Policy 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 not accord with the Council's Urban Design Supplementary Planning Document 2010 which includes similar aims relating to good design.

Living conditions of the occupiers of the neighbouring property

11. The proposed single storey extension would project out by approximately 3m from the rear building line of the original building with a flat roof with a height of about 3m. It would be situated immediately adjacent to the two storey rear outrigger projection at No. 80 and would be separated by a small yard area. 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. 80.

12. Given the overall height, massing and the design of the proposed rear extension, orientation of the buildings and the separation distance between the properties, I consider the proposal would dominate the views from the rooms at the rear of No. 80. The extension would be located in close proximity to the windows at the rear of No. 80. It would introduce a dominant, overbearing and enclosing structure that would severely restrict the outlook and the available light reaching the main ground floor habitable rooms at the rear of No. 80.
13. I have considered the appellant's arguments regarding the type of extensions that can be built on a dwelling house under General Permitted Development Order (GPDO) and that the harm arising from the proposed rear extension would no greater than those permitted under GPDO. However, this fall back position does not apply in this instance and the harm would arise from this proposal for the reasons set out above.
14. Consequently, I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupiers of the neighbouring property with particular regard to outlook and light. It would be contrary to the overall amenity aims of Policies CS2 and CS13 of the CS and Policy DM32 of the DMP that seek to ensure that that new development protects the amenity of the occupiers of existing buildings and neighbouring properties.

Other matters

15. I note that the appellant considers that the proposal would constitute a sustainable form of development. Sustainable development is identified as having social, economic and environmental roles in the National Planning Policy Framework (the Framework).
16. It is accepted that the proposal would be well connected to existing services and facilities and that it would provide some social and economic benefits through contributing to the supply of housing and local services. However, while I note the appellant's view that the scheme's design and re-use of previously developed land would amount to environmental benefits, I have found above that taken overall the development would harm the character and appearance of the host property and the area and the living conditions of the occupiers of the neighbouring property. This harm would conflict with the environmental dimension of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits. The proposal would not therefore amount to sustainable development in the terms of the Framework.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR