
Appeal Decision

Site visit made on 7 February 2017

by Nicholas Taylor BA(Hons) MRTPI

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

Decision date: 07 March 2017

Appeal Ref: APP/U5930/W/16/3164057
32 Vicarage Road, Leyton, London E10 5EA

- 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 Kyriacos Charalambous against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162270, dated 11 July 2016, was refused by notice dated 2 November 2016.
 - The development proposed is a single storey rear flat roof addition at ground level.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear flat roof addition at ground level at 32 Vicarage Road, Leyton, London E10 5EA in accordance with the terms of the application, Ref 162270, dated 11 July 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 following approved plans: drawings numbered 101 and 103 Revision A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter and Main Issues

2. After receipt of the application, the Council changed the description of the development. I have used the original description from the application form, which is quite similar, in my decision.
 3. The Council's appeal statement contradicts its officer report and decision notice in some significant respects. Based on the reasons for refusal, I consider that the main issues in this case are as follows:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupants of No. 34 Vicarage Road, with particular regard to the outlook from that property.
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Reasons

Character and appearance

4. The appeal concerns a ground floor flat to the rear of a two storey property, located within a terrace of other two storey properties. Vicarage Road is a residential street comprising mainly residential properties in varying styles.
5. The appeal property has a moderately-sized back garden, which appears to have been sub-divided from the generally much longer gardens of the dwellings alongside and to the rear. Thus, at the rear, the terrace benefits from a generally open, reasonably spacious aspect. The backs of the terraced dwellings are not uniform, with a number of the properties having extensions and outbuildings of various sizes, styles and materials in addition to the more regular, traditional two storey outriggers. The adjacent property, at No. 26, has a large extension projecting well beyond the rear of the appeal property and No. 34, on the other side, also has a small, ground floor projection to the rear. The appeal property itself has accreted various built elements at ground floor level.
6. In this varied context, the proposed single storey, almost full-width extension to the rear of the property would appear neither overly large or bulky, nor incongruous. Its overall scale and, in particular height, would be subservient, in design terms, to the two storey overall host property. It would also tie in the currently disparate elements of the back of the property, providing a more uniform appearance. The proposed extension would be seen from neighbouring properties but not from any public viewpoint.
7. I conclude, therefore, that the proposed development would not harm the character or appearance of the area. Consequently, it would comply with Policy DM4 of the *Development Management Policies Local Plan* (DMLP), to which the Council refers in its reason for refusal. This policy, among other things, sets out criteria against which residential extensions and alterations should be judged.

Living conditions of neighbouring occupants

8. The proposed extension would have a depth of 4.3 metres on the boundary with the adjoining property, No. 34, which has a small ground floor window close to the boundary and another on an adjacent projecting extension. Thus, as matters stand, the proposal would result in the occupiers of No. 34 looking out onto a long, blank, side wall beside the back of their dwelling.
9. That arrangement would not comply with the Council's guideline of a maximum 3 metres depth, set out in its *Residential Extensions and Alterations Supplementary Planning Document* (SPD). I accept that it would result in some loss of outlook and an increased sense of enclosure to the rear of No. 34.
10. However, the SPD describes the 3 metre distance as a "rule of thumb". In this case, there are a number of mitigating factors. Firstly, the proposed extension would not be excessively large compared with either the SPD rule of thumb or with the size of boundary fence or wall or rear extension which could be erected under permitted development limits in other circumstances. Secondly, the relatively open, south west-facing aspect to the rear would, to my mind, reduce the perception of enclosure.

11. Thirdly, the appellant revised the application plans specifically at the request of the neighbour, confirmed in writing by him, to propose construction of the side wall of the extension as a party wall, straddling the boundary, so as to facilitate a future extension to No. 34. Whilst not a planning matter, the extension as now proposed could not be built without the neighbouring landowner's consent. Whilst I make no presumption about the desirability or otherwise of any such extension to No. 34 which may be proposed in the future, or whether it would actually be implemented, this is a material consideration which weighs in favour of the appellant in this case.
12. All in all, therefore, I consider that the appeal proposal would not have an unacceptable impact on the outlook and sense of enclosure, and therefore living conditions, enjoyed by the occupiers of No. 34. As a result, it would not conflict with the DMLP policies referred to by the Council in its reason for refusal: DM4 or DM32; the latter of which concerns managing the impact of development on occupiers and neighbours. Nor would it conflict materially with the SPD.

Conditions

13. I have considered the Council's suggested conditions in the light of national policy and guidance¹ and for succinctness and clarity. In addition to the usual commencement condition, it is necessary, in the interests of proper planning and for the avoidance of doubt, to specify the approved plans. A condition requiring external materials to match those of the existing property is also necessary in the interests of the character and appearance of the area.

Conclusion

14. I am satisfied that, on the evidence before me, the proposal complies with the development plan as a whole and there are no material considerations which lead me to a different conclusion. Therefore, for the reasons set out above, the appeal should be allowed.

Nicholas Taylor

INSPECTOR

¹ *National Planning Policy Framework* (paragraphs 203 and 206) and *Planning Practice Guidance* (Use of Conditions)