

Appeal Decision

Site visit made on 6 March 2017

by Les Greenwood MRTPI

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

Decision date: 20 March 2017

Appeal Ref: APP/U5930/D/17/3166881

42 Gascoigne Gardens, Woodford Green, Essex IG8 9NU

- 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 Abdul Patel against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162627 was refused by notice dated 27 October 2016.
 - The development proposed is a loft conversion and a rear ground floor extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposal on:
 - i) the character and appearance of the house and local area; and
 - ii) living conditions at the next door property, 40 Gascoigne Gardens, in terms of the impact on outlook.

Preliminary matter

3. Amended plans were submitted with the appeal, reducing the depth of the proposed ground floor rear extension. The householder appeal process does not, however, allow for the consideration of new plans so I have not taken them into account.

Reasons

Character and appearance

4. Gascoigne Gardens is a tightly built-up suburban residential street of mainly terraced and semi-detached houses, surrounded by woodland. No 42 is an end of terrace 2 storey house which has been extended to the side at first floor level, creating a wide built form. The proposal would add a box dormer structure stretching almost the full width at the back, plus a 4.8m deep single storey rear extension and a timber patio.
 5. The Council's Supplementary Planning Document *Residential Extensions and Alterations* (SPD-REA) advises that proposed dormer window or roof extensions should be placed well away from the eaves and flank or party walls. Although I
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saw a number of other box dormers on Gascoigne Gardens, I saw none approaching the scale proposed here. Even though the proposed dormer would be set in slightly at each side, it would be an excessively long structure that would dominate the elongated rear roof slope. It would thus be out of proportion with the house and out of character with the area. Although it would not be significantly visible in public views, it would nevertheless be a poor and unsensitive design in a commanding position as seen from neighbouring gardens.

6. The single storey rear extension would stretch the full width of the building, with a very low pitched roof. This would be a bulky, awkward addition. It would, however, be out of public view and would not be at all prominent in views from most other neighbouring properties. It would not therefore significantly affect local character or appearance.
7. I conclude that the proposed dormer extension would unacceptably harm the character and appearance of the house and the local area. The proposal therefore conflicts with Waltham Forest Local Plan Core Strategy (CS) Policy CS15, Development Management Policies Local Plan (DMP) Policies DM4 and DM29, the SPD-REA and another Supplementary Planning Document *Urban Design*, to ensure that extensions are of a high standard of design that relates to the original 'host' building and respects the character of the area. These aims are in line with the National Planning Policy Framework's emphasis on high quality design that reinforces local distinctiveness. The Council also refers to CS Policy CS2 and DMP Policy DM30, but these do not appear to be directly relevant.

Neighbours' living conditions

8. The next house in the terrace, No 40, sits at a lower level than No 42 and has a section of full height glazing at the back, next to the shared boundary. The proposed new wall would be 4.8m deep and of significant height, sitting right up to the boundary. The SPD advises that single storey extensions should not exceed a line taken at 45 degrees from the middle of the nearest ground floor window of a habitable room in an adjoining property and that extensions over 3m deep are likely to be overbearing to neighbours.
9. The proposal would very clearly breach the 45 degree guideline. Due to its length, its height and the difference in levels, the new wall would be overly dominant in views from the No 40's rear glazing, to an extent that would be intrusive and overbearing.
10. I conclude that the proposed single storey rear extension would unacceptably harm living conditions at the next door property, 40 Gascoigne Gardens, due to loss of outlook. The proposal conflicts in this respect with the aims of DMP Policies DM4, DM29 and DM32 and the SPD-REA, to protect the occupiers of nearby properties from suffering any excessive loss of residential amenity, including through loss of outlook. These aims align with the Framework's aim to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

11. The appellant refers to 2 other appeal decisions. One of these¹ dealt with a proposed single storey extension, the side wall of which would be similar in height to an existing boundary fence. The other² related to a dormer extension on a semi-detached house that would mirror the extension on the other half of the pair. I am satisfied that the circumstances in both of these cases were materially different and have considered this proposal on its own merits.
12. I note that there was a previous (2011) approval for extensions here, including 2 smaller dormers and a smaller rear ground floor extension. The approved scheme is materially different from and does not justify the current proposal. I also note that it may be possible to build lesser extensions as permitted development here, but have no details of any proposal or of any intention to proceed with such a fall-back position. Finally, I recognise the appellant's reasonable wish to improve his home, but find no factors in this case that outweigh my concerns in regard to the main issues.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

¹ APP/U5930/D/16/3143254

² APP/U5930/W/15/3138997