

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: 22 March 2017

Appeal Ref: APP/U5930/D/17/3167775

55 Richmond Road, Leytonstone, London E11 4BX

- 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 Ms J Lindsay against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163187 was refused by notice dated 23 November 2016.
 - The development proposed is a single storey rear 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) living conditions at the next door property, 57 Richmond Road, in terms of the impact on light and outlook; and
 - ii) the character and appearance of the house and the local area.

Reasons

Neighbours' living conditions

3. Both 55 and 57 Richmond Road are mid-terrace houses with 2 storey rear outriggers. No 55 has a small single storey extension infilling the area between the outrigger and the boundary with No 57. The proposal would add on to this, creating a much longer flat roofed extension that would wrap around the back of the outrigger.
 4. The Council's Supplementary Planning Document (SPD) *Residential Extensions and Alterations* advises that it is often inappropriate to infill the gap next to outriggers as this can create a tunnel effect for neighbours and would therefore be too overbearing. In this case, the proposed extension would include a 3m high wall next to the boundary, much higher than the existing fence and stretching about 6m to the rear of a rear ground floor window at No 57. The outlook from this window, which is already limited by the 2 outriggers, would be further restricted by this new wall, giving a very limited, oppressive outlook – the tunnel effect warned about in the SPD.
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5. Another window and a glazed door in the side of No 57's outrigger would face onto the extension, but would be less affected because their outlook is already limited by the side wall of No 55's 2 storey outrigger. There would be no undue overshadowing. The extension would be low enough to avoid much impact on daylight (light from the sky) and would sit to the north-east of No 57, limiting its impact on direct sunlight.
6. I conclude that the proposal would unacceptably harm living conditions at No 55 due to loss of outlook to a rear ground floor window. It therefore conflicts with the aims of the Council's Development Management Policies Local Plan (DMP) Policies DM4, DM29 and DM32 and the SPD, 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 National Planning Policy Framework's aim to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

7. No 55 sits within a terrace of handsome period houses with 2 storey rear outriggers. Although the proposed extension would infill and wrap around the L-shape, the much taller outrigger would clearly remain the dominant element both visually and architecturally. The extension would be similar to an existing extension at No 53 next door and would be seen in that context in the only public view, from Kimberley Road. I consider that the proposal would adequately respect the architectural form and character of the house and would not be significant in any local views.
8. I conclude that the proposal would not harm the character or appearance of the building or the local area. It therefore accords with the aims of Waltham Forest Local Plan Core Strategy Policy CS15, DMP Policies DM4 and DM29, the SPD and the Framework, to secure a high standard of design that responds to local context.

Conclusion

9. I recognise the appellant's reasonable wish to improve her home and note that the neighbours at No 57 have not objected. I also note that it may be possible to build a somewhat different extension as permitted development here, but have no details of any such proposal or of any intention to proceed with such a fall-back position. Neither of these matters is sufficient to override my concern regarding the first main issue, which is sufficiently compelling for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR