

Appeal Decision

Site visit made on 24 March 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 19 April 2017

Appeal Ref: APP/U5930/D/17/3168592
28 Pearcroft Road, Leytonstone, E11 4DR

- 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 Xiao Xian Chen against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163846 dated 23 November 2016 was refused by notice dated 18 January 2017.
 - The development proposed is a two storey side extension with 3m rear extension and 3 no. rooflights.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of neighbouring occupiers at No's 26 and 30 Pearcroft Road with regard to outlook.

Reasons

Character and Appearance

3. The appeal property is a two storey end of terrace house located on the south-eastern side of Pearcroft Road. Although the majority of the terraces in the surrounding area are from the Victorian period, the terrace which the appeal site forms part of is from a later development period. These properties are set further back from the pavement than the Victorian terraces. However, they are nevertheless situated on a consistent building line and are generally positioned close together. Although there are other differences between properties, such as the architectural detailing, the development in the area is generally close-knit.
 4. The proposal includes a two-storey side extension along with alterations to the roof to form a gable end and a rear dormer. The side extension would extend across the gap to the side of the existing house and increase the width and the mass of the property, as well as projecting further back than the rear building line. It would however be setback from the front elevation and set down from the ridge level of the terrace, and thus appearing as a subordinate addition.
-

Whilst recognising the additional volume created by the roof of the two-storey side extension, in addition to the hip to gable alteration and rear dormer, which has been confirmed as permitted development, I do not consider in this instance that it would appear bulky or incongruous. Although the Council state that the proposal would be out of scale with neighbouring buildings, I was able to see at the time of my visit, that the property at the other end of the same terrace had been extended with a two-storey side addition which had a gable end roof. In view of the close-knit nature of development in the area, I do not consider the loss of space to the side of the house would make the development appear cramped.

5. I therefore conclude the development would not have an unacceptable impact on the character and appearance of the area and it would not be contrary to Policy CS15 of the Waltham Forest Local Plan – Core Strategy (Core Strategy) and Policies DM 4 and DM29 of the Council’s Development Management Policies Local Plan (DM Local Plan) which seek, amongst other matters, a high standard of design that respects the streetscene and character of the area. There would also be not conflict with the National Planning Policy Framework (Framework) or with the aims of the Supplementary Planning Document *Residential Extensions and Alterations* (SPD).

Living Conditions

6. The proposed side extension would be positioned on the boundary with No. 26 Pearcroft Road and project beyond the rear building line by around 3m. Although no concerns have been raised by the Council in relation to the loss of light, I consider the two-storey form and the depth of the extension would have an overbearing impact on this neighbouring property’s occupiers. Whilst the appellant states the 4m separation to the nearest first floor window of No. 26 to be sufficient, given the rearward projection and the mass of this element of the proposal, I consider there would be a harmful, visually intrusive effect on this neighbouring occupier, including on the use of their rear amenity space.
7. The Council have also raised concerns over the potential impact on the living conditions of the occupiers of No. 30 Pearcroft Road, but this neighbour is positioned away from the two-storey extension proposed so it would not give rise to any undue impact. A single storey extension would however be positioned along the boundary with this neighbour. Whilst I note its projection, reference has been made to the granting of a prior approval application for a single storey rear extension. As such, I do not consider the single storey rear element would in itself be unacceptable.
8. Nevertheless, I conclude that the appeal development would give rise to unacceptable harm to the living conditions of neighbouring occupiers at No. 26 Pearcroft Road with regard to outlook. The proposal would be contrary to Policies DM 4 and DM32 of DM Local Plan, which seek, amongst other matters, to protect the occupiers of existing buildings and properties nearby from suffering any excessive loss of amenity. There would also be conflict with the SPD and the Framework, which states at Paragraph 17 that, amongst other things, planning should seek a good standard of amenity for all existing occupants of land and buildings.

Other Matters

9. Reference has been made to other original Victorian properties which have part two storey rear outriggers that extend 3m or beyond main rear elevations. I have not been provided with the full circumstances of these developments and note that in the case of the Victorian properties, these will have been constructed in a different period, well before the current planning legislative and policy context. I am required to determine the appeal before me on its own merits, which I can confirm I have done so accordingly.
10. I acknowledge the other concerns raised opposing the proposal but these do not lead me to a different overall conclusion.

Conclusion

11. I have found in the appellant's favour in relation to the issue of the impact on the character and appearance of the area. However, I conclude that the appeal proposal would be unacceptable in relation to living conditions.
12. For the reasons given above and having considered all other matters raised, the appeal should be dismissed.

F Rafiq

INSPECTOR