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## Appeal Decision

Site visit made on 28 March 2017

**by A A Phillips BA(Hons) DipTP MTP MRTPI**

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

**Decision date: 19 April 2017**

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**Appeal Ref: APP/U5930/W/17/3166441**  
**190 Billet Road, Walthamstow E17 5DX**

- 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 G Christodoulou against the decision of the Council of the London Borough of Waltham Forest.
  - The application Ref 163073, dated 16 September 2016, was refused by notice dated 9 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 effect of the proposal on:
  - i. the character and appearance of the area; and
  - ii. the living conditions of the occupants of an adjacent property with particular reference to light and outlook.

### Reasons

#### *Character and appearance*

3. The appeal site comprises a two storey mid-terraced commercial building currently used as an office for an accountancy firm at ground and first floor levels. It is situated in a row of commercial properties in an area where there is a mix of residential and commercial uses. The adjoining property at No 188 is a two storey residential unit and No 192 is a commercial unit. The existing property has a single storey rear extension which projects approximately 2.95 metres from the rear of the original building.
  4. The proposal would result in an extension with a total projection of approximately six metres with a width of over five metres and a maximum height of nearly 2.9 metres sloping down to around 1.95 metres. As a consequence of the overall depth of the proposed extension, combined with the unusual form and its overall bulk and massing it would dominate the rear of the property. Its overall massing and poor relationship with the rear of the building would result in an insubordinate and excessive addition at odds with the character and appearance of the building and its surroundings.
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5. The design of the roof would be at odds with the simple form of the building, resulting in an awkward extension that does not demonstrate respect for the architectural integrity of the original building and its immediate surroundings. The proposal would have no harmful effect with respect to the front of the property; however, I observed on site that it would be clearly visible and prominent from adjacent properties either side and from the rear.
6. Therefore, on this issue I conclude that the proposal would be harmful to the character and appearance of the area and would conflict with Policy CS15 of the Waltham Forest Local Plan Core Strategy March 2012 (the CS) and Policies DM29 and DM32 of the London Borough of Waltham Forest Development Management Policies Local Plan October 2013 (DM Policies). These seek to ensure the highest quality architecture and urban design and give strong recognition to local distinctiveness, among other things. I find there to be no conflict with Policy DM4 of the DM Policies or the Residential Extensions and Alterations Supplementary Planning Document 2010 as these clearly relate to residential extensions rather than the current proposal for a commercial extension.

#### *Living conditions*

7. The proposed extension would be close to the boundary with a residential property, No 188 which has rear facing habitable room windows close to the site boundary. Although measures have been taken to attempt to mitigate the effect of the proposal such as setting it back from the boundary and reducing the eaves height there remains concern as a consequence of the massing of the extension and its total projection of approximately six metres close to the boundary.
8. The proposal would be a dominating feature to the rear of the property and would harm the outlook from the rear ground floor window of No 188. Furthermore, being in such proximity it would be likely to reduce levels of natural light into the ground floor accommodation of No 188. However, as a result of the orientation of the property and relationship to other properties either side I do not find there to be conflict in terms of overshadowing. There would be no harmful effect on the occupants of No 192 which has a commercial use at ground floor and in any case any effect would be mitigated by an existing ground floor rear extension at that property.
9. Therefore, on this issue I conclude that the proposal would be harmful to the living conditions of the occupants of an adjacent property with particular reference to light and outlook. It would conflict with the amenity requirements of Policies DM4 and DM32 of the DM Policies which seek to protect the occupants of nearby properties from loss of amenity and ensure that day light and outlook is maintained, among other things.

#### **Other matters**

10. I understand that the proposal will improve the accommodation for a local business which generates some employment for local residents and that it may not be as large as other new developments in the locality. However, I have assessed the current case in the light of the specific circumstances of the site and do not consider that the benefits outweigh the harm I have identified with respect to character and appearance and living conditions.

## **Conclusion**

11. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

*Alastair Phillips*

INSPECTOR