
Appeal Decision

Site visit made on 12 April 2017

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/U5930/D/17/3170154

111 Kitchener Road, Walthamstow, London, E17 4LJ

- 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 Mousa Brown against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163800 was refused by notice dated 16 January 2017.
 - The development is the erection of a 2 storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the rear extension, which is already in place, on the character and appearance of the host dwelling, the pair of dwellings and the area, and on the living conditions of the residents of nos. 107, 109 and 113 Kitchener Road in respect of outlook, daylight and sunlight.

Reasons

Character and appearance

3. No. 111 is one of a pair of semi-detached houses, but there is also a mix of terraced houses, flats and detached houses in the nearby residential area with varying urban form. Compared to some nearby dwellings no. 111 has a relatively spacious garden and a side garage.
 4. A rear projection has been further extended at ground and first floor level, so that there is now a sizeable 2-storey rear projection. The height of the projection is lower than the main roof ridge so that it appears subservient in this respect. However, on account of the excessive depth and the overall scale, the 2-storey rear projection appears disproportionate and dominates the pair of dwellings and surroundings, in particular the modest sized attached house at no. 113. In this respect it is not a high quality of design.
 5. Notwithstanding the block of flats beyond no. 113 and the different forms of development in the area, I find significant harm to the character and appearance of the pair of dwellings from the appeal development. The development is contrary to Policy DM4 of the Development Management Policies
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Local Plan (DMLP), which expects development to relate to the original host building and to respect the character of the area.

6. There is also conflict with objectives of DMLP Policy DM29 that expects a high standard of design, and that development should reinforce local character, and with Core Strategy (CS) Policy CS15, which expects buildings of high quality that contribute to the distinctiveness of neighbourhoods.
7. The development plan objectives are consistent with those set out in the National Planning Policy Framework. Paragraphs 17 and 60 seek to secure a high quality of design, and to reinforce local distinctiveness. The proposal does not meet the objectives of the Framework in these respects.
8. The development is also contrary to the objectives of the Residential Extensions and Alterations Supplementary Planning Document (SPD) and the Urban Design Supplementary Planning Document that amongst other things seek a high quality of design and harmony with the original building.

Living conditions

9. The rear projection as built is set back from the flats at nos. 107 and 109. Whilst there is some limited additional visual intrusion and sense of enclosure to these residents, there is adequate separation between the buildings. There are insufficient grounds to dismiss the appeal on account of these residents' outlook or from a significant loss of daylight. The flats are positioned south of the appeal dwelling, so that there is no material loss of sunlight.
10. The attached house at no. 113 lies to the north and the elongated 2-storey projection overshadows rear windows and part of the rear garden close to the house, so that there is a significant loss of sunlight. On account of its excessive scale and its position on the common side boundary, the rear projection appears unduly overbearing and dominating from no. 113, leading to a very poor outlook for residents. For these reasons there is also an excessive loss of daylight into rear rooms.
11. The Residential Extensions and Alterations SPD refers in section 5.2.1 to the '45 degree rule' for rear extensions that is used as a guide in determining the acceptability of proposals. The extension exceeds the 45 degree guideline taken from rear windows at no. 113 by a significant amount.
12. Notwithstanding my findings in respect of nos. 107 and 109, there is substantial harm to the living conditions of the residents of no. 113 Kitchener Road in respect of outlook, daylight and sunlight. There is conflict with DMLP Policy DM32 that seeks to ensure that daylight, sunlight, and outlook is maintained for existing occupiers and their neighbours in their homes and gardens. There is also conflict with the objectives of CS Policy CS13, which seeks to promote health and wellbeing.
13. The development plan policies are consistent with paragraph 17 of the Framework, which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. There is conflict with the Framework in this respect.

Other matters and conclusions

14. I have taken into account all other matters, including the appellant's desire for the extra living space to accommodate his family. I have also considered all the
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policies in the Framework, and other national planning policy and guidance. Notwithstanding my findings in respect of the other matters, the harm that I have identified to character and appearance and to residents' living conditions at no. 113 is significant and overriding. The appeal therefore does not succeed.

Sue Glover

INSPECTOR
