

Appeal Decision

Site visit made on 11 April 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 5 May 2017

Appeal Ref: APP/U5930/W/16/3166160

32-34 Oakfield Road, Walthamstow E17 5RW

- 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 Modestas Rimkus against the decision of the London Borough of Waltham Forest.
 - The application Ref 162802, dated 23 August 2016, was refused by notice dated 21 November 2016.
 - The development proposed is described as 'Rear outrigger first floor extensions to Nos 32 & 34 Oakfield Rd'.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in the appeal are:
 - the effect of the proposal on the character and appearance of the host dwellings; and
 - the effect of the proposal on the living conditions of the occupiers of No 36 Oakfield Road (No 36), with particular regard to outlook.

Reasons

3. The appeal properties are two-storey terraced houses with single storey outriggers this is consistent with the prevailing character of the terrace they are part of. The properties are located at the end of a terrace to the north of No 36.

Character and appearance

4. I accept that the proposed extension would be architecturally similar to existing first floor outriggers at Nos 2 to 30 Oakfield Road. However, in this site specific circumstance the proposal would appear unduly dominant, bulky and cramped due to the limited size of the rear garden when compared the gardens of Nos 2 to 30 Oakfield Road. Furthermore, the schemes close proximity to and limited separation from the gable wall of No 34 Cumberland Road would materially increase the cramped appearance of the proposal. Therefore when considered in context of the site constraints I have identified, the proposed extensions would fail to relate to the appearance and character of the host dwellings, due to their proposed depth in relation to the plot. Consequently,
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the extensions would appear incongruous and therefore result in material harm to the character and appearance of the host dwellings.

5. Having come to the conclusions above, it follows that the proposal would therefore be in conflict with Policies CS2 and CS15 of the adopted Waltham Forest Local Plan Core Strategy and Policies DM4, DM29 and DM32 of the Waltham Forest Local Plan Development Management Policies. These seek to ensure that development reflects the character and appearance of an area in terms of amongst other things siting, form and scale.

Living conditions

6. The appellant reasons that the proposed extension is consistent with the prevailing built form in the area and would not result in a loss of local amenity with regard to the occupiers of No 36. The appellant also sets out that the proposal would due to its orientation not result in a loss of daylight or sunlight. Based on the evidence before me and my on-site observations, I accept that the proposed extension would not result in a material loss of daylight or sunlight due to the orientation of the proposal being located to the north of No 36. Further, I accept that the proposal would not materially harm privacy due to the care taken with regard to the location of windows.
7. However, the scale of the proposal in terms of its length and height, in relation to the shared boundary with No 36 would be overbearing due to the limited separation between the properties. This would lead to a material loss of outlook for the occupiers of No 36. In reaching this conclusion I have taken into account the effect on outlook of the similar two-storey outriggers that are a common feature of Nos 2 to 30 Oakfield Road, however this only reinforces my findings that the proposed extension would result in harm, by way of a material loss of outlook to the occupiers of No 36.
8. Having come to the conclusions above, it follows that the proposal would therefore be in conflict with Policies DM4, DM29 and DM32 of the Waltham Forest Local Plan Development Management Policies. These seek to ensure that extensions to dwellings would not cause harm to the amenities to occupiers of neighbouring properties. However, I have found no conflict with Policy DM30, which seeks to ensure that development creates accessible and inclusive environments.

Other matters

9. The appellant refers to the time taken to determine the original application by the Council. However, this is a matter of local government accountability and even if the decision had been reached within a shorter timeframe, I have no evidence before me to suggest that the decision would have been different.

Conclusion

10. For the above reasons, and having carefully considered all other matters raised. I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR