

Appeal Decision

Site visit made on 25 April 2017

by J D Westbrook BSc(Hons) MSc MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/U5930/D/17/3170764

4 Hillside Gardens, London, E17 3RJ

- 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 Shabber Khan against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163925, dated 1 December 2016, was refused by notice dated 26 January 2017.
 - The development proposed is the construction of a single-storey rear extension and two-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed extensions on:
 - The character and appearance of Hillside Gardens, and
 - The living conditions of the occupiers of No 2 Hillside Gardens by way of light and outlook.

Reasons

3. No 4 is a semi-detached house situated on the southern side of Hillside Gardens, close to its junction with Winsbeach. It has an attached garage to the side. The landform is such that the front garden slopes gently up from the road, and No 4 is slightly elevated above the level of the neighbouring No 2. The proposed development would involve the demolition of the existing garage and the construction of a two-storey side extension projecting along the whole depth of the existing house and some 3 metres beyond the rear elevation. There would also be a single-storey rear extension across the whole width of the existing house and side extension, and this would project some 3.5 metres beyond the current rear elevation.

Character and appearance

4. The Council contends that the proposed two-storey side extension, by virtue of its scale and design would be detrimental to the character and appearance of the existing building, the street scene and the wider locality. Policy DM4 of the Council's Development Management Policies Local Plan (DMP), indicates that
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extensions to a dwelling should relate to the original host building and respect the street scene and the character of the area. The thrust of this policy is reinforced in Policy DM29 of the same document, which relates to principles of good design. In addition, the Council's Supplementary Planning Document on Residential Extensions and Alterations (SPD) indicates that any side extension should not have an adverse impact on the established positive characteristics of the street scene and that, as a general rule, a side extension should be subordinate to the main part of the house and set back from the main building line fronting the street by 1 metre.

5. In the case of Hillside Gardens, the street scene is characterised by semi-detached houses of similar original design. However, many have been altered or extended and several have two-storey side extensions of varying designs, such that there is a diversity in appearance of properties along the road, especially in the vicinity of the appeal property. In particular, No 6, the adjoining house, has a relatively recently approved two-storey side extension, while No 2 has a two-storey side extension, approved in 2015, which extends to the boundary with No 4. The extension at No 2 is flush with the front elevation and continues the ridge line and hipped nature of the original roof. Both of these effectively have begun the process of closing gaps between pairs of houses. Other two-storey side extensions are evident at Nos 14 and 16, Nos 18 and 20, and also at No 5 opposite. Large gaps between properties are not, therefore, a characteristic feature of this part of Hillside Gardens.
6. In the light of the above, I do not consider that the proposed extension at No 4, which would have many similarities with that at No 2, would appear out of character or scale in the street scene. However, I have concerns that the two-storey element of the extension to the rear of the property would result in an overall addition to the house that is out of scale with the original dwelling. It would project some 3 metres beyond the rear elevation and would wrap around the rear elevation to a certain extent. This feature is uncharacteristic of the houses in the vicinity, and would, moreover, mean that the overall extensions would tend to dominate the main part of the house and not be subordinate to it.
7. On this issue, therefore, I find that the scale of the proposal would be harmful to the character and appearance of this part of Hillside Gardens, and that it would, therefore, conflict with Policies DM4 and DM29 of the DMP, and also with guidance in the SPD.

Living conditions

8. The proposed extensions would project some 3.5 metres beyond the rear elevation of the house at ground floor level, and 3 metres at first floor level. There is a window in the ground floor rear elevation of No 2, close to the boundary with No 4, although this would appear to serve only a utility room. There is also what appears to be a bedroom window in the first floor rear elevation of No 2, again very close to the boundary. The proposed extension would project 3 metres along the boundary in close proximity to this window, and present a blank wall as an outlook from this window.

9. No 4 is situated to the east of No 2, such that the projection of the two-storey element of the rear extension would be unlikely to result in significant loss of light to the windows in the rear elevation of No 2 for most of the day. There would, however, be some adverse effect on outlook from the windows, due to the length of the extension and its proximity to the boundary. This harm to outlook would not, in my opinion, be sufficient in its own right to dismiss this appeal, but it does add to my concerns about the overall scale of the proposal and its adverse effects on its immediate surroundings.

10. On the basis of the above, I find that the proposal would be harmful to the living conditions of the occupiers of No 2 Hillside Gardens by way of light and outlook. It would therefore conflict with Policy DM4 of the DMP which requires that development should protect the occupiers of properties nearby from suffering any excessive loss of residential amenity.

J D Westbrook

INSPECTOR