
Appeal Decision

Site visit made on 6 June 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 14 June 2017

Appeal Ref: APP/U5930/W/17/3167826

254 Crownfield Road, Stratford E15 2AT

- 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 Nadeem Chaudhry against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162877, dated 29 September 2016, was refused by notice dated 24 November 2016.
 - The development proposed is erection of rear conservatory.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the host property and surrounding area and ii) the living conditions of neighbouring residents.

Reasons

Character and Appearance

3. The appeal site is part of a short terrace of flats with small private yards to the rear and an adjacent grassed communal garden.
 4. The rear building line of the terrace is uniform with the exception of an existing single storey extension serving the appeal property. The proposed conservatory would be L-shaped and would adjoin the rear and part of the side of the extension. It would have a chamfered corner, in keeping with the shape of the plot.
 5. Although it would have a flat roof, the proposed conservatory, taken together with the existing extension, would amount to a substantial rear addition, particularly when viewed in the context of the otherwise uniform rear elevation of the terrace. Cumulatively the extensions, which would cover a substantial part of the external yard space, would appear disproportionate in scale to the host property. In addition the design and shape of the structure would appear somewhat contrived and therefore incongruous with the main building.
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6. Whilst the extension would be to the rear, and not therefore prominent in relation to the public realm, it would nevertheless be visible from the adjacent communal garden and the rear of nearby private properties.
7. I conclude, for the above reasons, that the proposal would result in harm to the character and appearance of the host property and surrounding area. It would therefore be in conflict with Policy CS15 of the London Borough of Waltham Forest Local Plan Core Strategy 2012; Policies DM4 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan 2013 (LP) and the Council's Supplementary Planning Document – Residential Extensions and Alterations 2010, which seek to secure a high standard of design that responds positively to local context and character.

Living Conditions

8. The side elevation of the conservatory would abut the boundary of the rear yard serving the neighbouring flat. Although the upper part of the side elevation would be glazed, which would provide some visual relief, I consider the overall height of the structure, in such close proximity and projecting significantly in depth in relation to the neighbour's rear elevation, would appear very conspicuous and somewhat oppressive and overbearing for residents there. This would be to the detriment of their living conditions. I acknowledge that the Council has not refused planning permission on this ground, however I have taken into consideration that the neighbouring occupier has objected to the development due to concern over their living conditions.
9. I conclude that the structure would, therefore, be in conflict with Policy DM32 of LP and the National Planning Policy Framework insofar as they seek to secure a good standard of amenity for all existing and future residents.

Other Matters

10. The development would lead to the loss of nearly all of the private external yard space at the rear of the dwelling. However the occupiers of the property say that they would continue to enjoy access to the adjacent communal garden area. I have not been provided with any evidence which would lead me to dispute this, which in my view would overcome the loss of private external space.
11. The conservatory would be situated close to and directly behind a rear elevation bedroom window in the host property. Whilst this would inevitably cause some harm to the level of natural light entering that room, this would be mitigated to a degree by the glazed construction of the conservatory and would not justify refusal of planning permission in its own right.
12. These considerations of lack of harm are, however, neutral in the overall planning balance and do not outweigh the harm I have identified above.

Conclusion

13. For the aforementioned reasons, and having had regard to all other matters raised, including that the conservatory would increase the amount of accommodation available in the property, I conclude that the appeal should not succeed.

Roy Merrett

INSPECTOR