



Appeal Decision

Site visit made on 21 June 2017

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/U5930/D/17/3169364
40 Essex Road, London E10 6HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Rachel Savigar against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163449, dated 18 October 2016, was refused by notice dated 28 November 2016.
 - The development proposed is a single storey rear extension which would extend beyond the rear wall of the original house by a maximum of 4.5 metres, be a maximum height of 3.6 metres from ground level and for which the eaves height would be 2.5 metres from ground level.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension which would extend beyond the rear wall of the original house by a maximum of 4.5 metres, be a maximum height of 3.6 metres from ground level and for which the eaves height would be 2.5 metres from ground level at 40 Essex Road, London E10 6HF in accordance with the terms of the application Ref 163449, dated 18 October 2016, and the plans submitted with it.

Procedural Matters

2. The description of the proposed development in the banner heading reflects that contained in the application form, including the dimensions submitted pursuant to paragraph A.4(2) of Part 1 to Schedule 2 of the GPDO. I have noted that these dimensions differ slightly from the measurements shown on the submitted plans. I have dealt with this discrepancy in my decision below to provide clarity on which measurements take precedence.
3. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers the neighbouring property at 38 Essex Road, with particular regard to outlook, daylight and sunlight.

Reasons

5. The appeal property is a two storey terraced house in a residential street comprising mainly terraced properties. It has an existing single storey, lean-to extension at the rear which would be replaced by the proposed extension.
6. 38 Essex Road adjoins the appeal property on its south-eastern side. It has a single storey rear extension which abuts the boundary with the appeal property. Beyond the extension there is an existing 1.8m fence on the boundary between no. 38 and the appeal property, the top section of which is formed of trellis, interwoven with climbing shrubs. There are patio door windows in the rear elevation of the extension to no. 38 which look out onto the garden.
7. The proposed extension to the appeal property would have a lean-to design, with a mono-pitched roof. Using the measurements given in section 4 of the application form submitted with the appeal, the proposed extension would be 4.5m in depth from the rear wall of the house, extending slightly beyond the rear wall of the extension to no. 38. However, its roof would sit well below that of the extension at no. 38. At its eaves the proposed extension would be 2.5m in height from patio level. As such only a small section of the side wall of the proposed extension facing no. 38 would project above the boundary fence.
8. This area of wall would be visible from the patio door windows at the rear of no. 38. However, given the relatively small section of wall which would be seen and the oblique angle of view, its effect on the overall outlook from the rear of no. 38 would be limited and neither overbearing nor unacceptable in a normal residential context. Indeed it would have less impact than the current side wall of the extension at no. 38 has on the rear facing ground floor windows of the appeal property. The presence of mature shrubs on the boundary would also help to provide some screening above the height of the fence.
9. In terms of its effect on sunlight and daylight, the extension would be on the north-western side of no. 38. Any sunlight penetrating the rear facing windows of no. 38 would come from the east and south-east and would as such be unaffected by the proposed extension. Likewise, the relatively small section of wall which would be visible above the fence between nos. 38 and 40 would not have a significant effect in reducing daylight to the rear windows of no. 38.
10. I note there have been no objections to the proposed extension from the occupiers of other adjoining properties and this does not feature in the Council's reason for refusal. However, paragraph A.4(9)(b) of Schedule 2 to the GPDO requires that in assessing the impact of the proposal I consider the amenity of all adjoining properties.
11. 42 Essex Road adjoins the appeal property on its north-western side. As such the proposed extension would be to the south-east of no. 42 and would reduce sunlight penetrating its rear windows. However, there is an existing lean-to porch extension at the rear of the appeal property adjoining no. 42 and a 1.8m fence on the boundary. Whilst a larger section of the side wall of the proposed extension would be visible from the rear of no. 42, which would change the outlook from and reduce both sunlight and daylight to the rear windows of no. 42, the impact would not be unacceptable. The proposed use of white

render on the side elevation of the proposed extension would enhance the reflection of daylight at the rear of no. 42. Furthermore, the principal habitable room windows on the ground floor at the rear of no. 42 appear to be to a conservatory on the opposite side of the property. The proposed extension would have a limited effect on both the outlook from and sunlight/daylight to this room.

12. For completeness, I have also considered the effect of the proposed development on the other adjoining properties at 158 Canterbury Road and 153 Colchester Road. Whilst the proposed extension would be seen from the rear of these two properties, due to the intervening distance, there would be little if any harm to the amenities of the occupiers of those properties.
13. On this basis, I conclude that the proposed development would not materially harm the living conditions or amenity of the occupiers of neighbouring properties. No reference has been made by the Council to development plan policies in the decision notice and I have not been directed to any guidance in the Council's Supplementary Planning Document on Residential Extensions and Alterations (2010), which would lead me to an alternative planning judgement.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed. In granting approval the appellant should note that the GPDO requires at paragraphs A.4 (13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development, and the date of completion.
15. Paragraph A.3 (a) of the GPDO also requires that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling house, which the submitted plans suggest would be the case. I have specified that approval is granted in accordance with the plans submitted with the application. That is except for the dimensions of the proposed extension, the maximum limits of which are specified in the description of the development, which are taken from the application form rather than those annotated on the submitted plans. Ground level is to be taken from the height of the patio to the appeal property, as shown on the submitted plans.

M Hayden

INSPECTOR