
Appeal Decision

Site visit made on 15 June 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 10th July 2017

Appeal Ref: APP/U5930/W/17/3170814
101 Oak Hill, Woodford Green, IG8 9PF

- 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 M Ali against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163141, dated 26 September 2016, was refused by notice dated 21 November 2016.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 101 Oak Hill, Woodford Green, IG8 9PF in accordance with the terms of the application, Ref 163141, dated 26 September 2016, subject to the conditions in Annex A.

Main Issues

2. The main issues are the effect of the scheme on (a) the character and appearance of the area and (b) the living conditions of the occupiers of the adjoining dwellings Nos 99 and 103 Oak Hill, with particular regard to outlook.

Reasons

Character and appearance

3. The premises are located within a terrace of buildings. I understand that the Council consider that long gardens are a characteristic of the area. However, the commercial parade appears distinct with many of the buildings in non-residential use and extended or altered at ground floor level whilst some properties also have outbuildings. Overall the area to the rear of these buildings is varied in character. The addition would be of an appropriate single storey scale and material finish. In this regard it would not appear out of proportion with the main building. Being single storey, whilst deeper than some other additions, I do not consider that it would be fundamentally out of character.
4. I have been referred to the Supplementary Planning Document Residential Extension and Alterations (SPD). However, this refers to a 'rule of thumb' of 3m depth for homeowners. This is not a residential extension which in my view reduces the weight to be given to the SPD guidance in this case. For the above reasons I conclude that the proposal would not harm the character and appearance of the area. It would not be in conflict with policy CS15 of the Core

Strategy (CS) and DM4 and DM32 of the Development Management Policies (DMP) which amongst other things seek to realise the potential of land and seek new development that is of an appropriate style, mass, scale and design and is compatible with the character of the area in which it is located.

Living conditions of existing occupiers

5. The Council specifically identify Nos 99 and 103 Oak Hill within the reason for refusal. No 103 has a small lean to addition and a seating area to the rear. However, there is already a fence on the common boundary and an existing single storey addition to No 101 positioned adjacent to the existing lean to at No 103.
6. The rear elevation of the new extension would face toward the rear area of No 103. I note that it would be across the majority of the common boundary. However, it would be single storey in height and a very limited amount would be visible above the existing fence. There would not be openings in the side elevations. The scale of the extension would not be excessive and the relationship with No 103 is such that views would be limited. Therefore, even taking into account its depth, I do not consider that it would appear oppressive when glimpsed from the home and rear area of No 103.
7. The Council's report also refers to Nos 159 and 163 Ilford Lane and the resultant depth of the extension on common boundaries. However, the report also points out that the ground floor of no 163 would not be in residential use and No 159 already has a rear addition similar in depth to existing at No 161. I appreciate that some of the new extension would be visible and greater in height than the treatment on both common boundaries. However, I do not consider that the difference between it and the height of the extension would be excessive. Overall, for these reasons I do not consider that the extension would create an oppressive sense of enclosure.
8. No 99 is occupied by a veterinary surgery at ground floor and has a rear addition. I note that the Council suggest that the additions at 93, 95 and 97 do not benefit from planning permission. The extension to No 99 is not included in this list. Furthermore, I have no evidence that the area to the rear of the building is used for recreation by occupiers of residential units in the parade. There are rear facing windows at first floor. However, given the presence of an extension at No 99 and the limited amount of the addition that would be visible I do not consider that there would be harm to No 99.
9. I therefore conclude that the extension would not have a harmful effect on the living conditions of the occupiers of existing dwellings with particular regard to outlook. In this regard it would not be in conflict with CS policy CS15 and DMP policies DM4 and DM32 which amongst other things seeks well designed new development that is of a high quality and designed to meet the needs of all. The proposal would also accord with a core principle of the National Planning Policy Framework that seeks a high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Conditions

10. I have considered the suggested conditions in the light of the relevant tests in paragraph 206 of the National Planning Policy Framework. In addition to the standard implementation condition it is necessary, for the avoidance of doubt,

to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition requiring the material details to be agreed is necessary and reasonable as is the requirement to require the submission of details of cycle and refuse storage.

11. The Council's fourth condition also refers to the detail of car parking arrangements. The plans do not show any car parking and it has not been raised within the reason for refusal or the submissions. As such I am not satisfied that this part of the condition would be reasonable or necessary in this case.

Conclusion

12. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR

ANNEX A – CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 5219/1, 5219/2, Design and Access Statement.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall commence until details of the arrangement for cycle storage and refuse and recycling storage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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