The Planning Inspectorate

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: 17 July 2017

Appeal Ref: APP/U5930/D/17/3173087
27 Grosvenor Park Road, Walthamstow, London E17 9PD

- 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 Ms A. Gulibanu against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 170166, dated 16 January 2017, was refused by notice dated 15 March 2017.
- The development proposed is ground and first floor rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a ground and first floor rear extension at 27 Grosvenor Park Road, Walthamstow, London E17 9PD in accordance with the terms of the application, Ref 170166, dated 16 January 2017, subject to the following 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 plan: 1273-01.

   3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.

Main Issues

2. The main issues in this case are effects of the proposed extension on:

   - the character and appearance of the host dwelling and the Orford Road Conservation Area; and on

   - the living conditions of the occupiers of 29 Grosvenor Park Road, with particular regard to outlook, daylight and sunlight.

Reasons

Character and Appearance

3. The appeal property is located within the Orford Road Conservation Area. The special historic and architectural interest of the Conservation Area lies in its surviving Victorian residential terraces and villas. These provide examples of the 19th century urban expansion of Walthamstow village and define the distinctive character and appearance of the Conservation Area.

4. The appeal property is of later origin. It forms part of a group of four terraced dwellings at 27-33 Grosvenor Park Road, which appear to be a post-war infill development. Whilst it adjoins a pair of Victorian terraced houses at 25 and 23 Grosvenor Park Road, due to its age and simpler design, the appeal property itself does not make an important contribution to the character and appearance of the Conservation Area as described.

5. The proposed extension is to the rear of the appeal property. As such it would be unseen in any public views from Grosvenor Park Road or surrounding streets forming the principal vistas of the Conservation Area. It would therefore respect the street scene and preserve the character of the Conservation Area, as expected by Policies DM4 and DM28 of the Waltham Forest Development Management Policies Local Plan (2013) (the DMPLP).

6. In terms of its detailed design, Policy DM4 also expects residential extensions to relate to the original 'host' building. Policy DM29 of the DMPLP expects proposals to respond to their context in terms of scale, height and massing. The Supplementary Planning Document on Residential Extensions and Alterations (2010) (the SPD) advises more specifically that the size and shape, roof line and windows of extensions should reflect and complement the original building and be subordinate to it.

7. At first floor level the ridge line of the roof of the proposed extension would be set below that of the existing house and the adjacent dwellings at nos. 25 and 29. It would adopt the same eaves level as the host dwelling, its neighbour at no. 29 and the rear outrigger to no. 25 which it would abut. Its windows would match the proportions and alignment of the existing first floor windows on the host property and at no. 29. Whilst the proposed extension would cover the width of the existing property at first floor level, its stepped design would serve to break up its overall mass. For these reasons, I find that the first floor extension would be subordinate to the host dwelling and sympathetic to the scale, height and relevant details of the adjoining properties.

8. With regard to the ground floor part of the extension, I acknowledge that it would extend across the full width of the property and to a depth of around 5 metres (m). However, it would be smaller in depth than the single storey rear extension which has recently been granted prior approval (application ref. 170165). Its flat roofed design would minimise its visual impact and maintain a subservient relationship with the rear elevation of existing dwelling.

9. Therefore, I conclude that the proposed extension would not cause unacceptable harm to character and appearance of the host dwelling and would preserve the character and appearance of the Orford Road Conservation Area. Accordingly, it would comply with Policies DM4, DM28 and DM29 of the DMPLP. It would also be consistent with Policies CS1, CS12 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) (the CS) and with the relevant policies of the London Plan in respect of design quality and preservation of heritage assets. Consequently, it would accord with paragraphs 58 and 131 of the National Planning Policy Framework (the Framework) in terms of its design and sustaining the significance of heritage assets.

Living Conditions

10. The proposed extension would abut the shared boundaries with 25 and 29 Grosvenor Park Road. Policies DM4 and DM32 of the DMPLP seek to protect occupiers of nearby properties from excessive loss of residential amenity, including daylight/sunlight and outlook.

11. The ground floor element of the extension would be around 3m high and 5m deep, but would be largely screened from view from the ground floor rear facing windows of no. 29, by an existing brick shed on the boundary. It would also be set back from the rear wall of the outrigger to no. 25 and be unseen from there.

12. At first floor level, the proposed extension would project slightly beyond the rear wall of the outrigger to no. 25, but would have limited effect on the outlook from or light to the adjacent rear facing first floor window of no. 25. On the boundary with no. 29, the extension would project around 2m in depth at first floor level from the rear wall of no. 29. It would increase to around 4.5m in depth, but set back from the boundary by approximately 3m.

13. The Council's SPD on Residential Extensions uses two 'rules of thumb' in assessing the acceptability of rear extensions on the amenity of neighbours – the '3 metre rule' and the 45 degree rule'. Whilst part of the proposed extension would be greater than 3m in depth at first floor level, the submitted plans indicate that due to the set back from the boundary it would not exceed a 45 degree angle taken from the centre of the nearest window at first floor level on the rear elevation of no. 29.

14. No. 29 lies to the south west of the appeal site and as such would continue to enjoy uninterrupted sunlight for most of the day. I have seen no evidence from the Council to show how the proposed extension would cause undue overshadowing or loss of sunlight to the rear of no. 29.

15. I have been referred to an appeal decision (Ref: APP/U5930/D/12/2183757) dismissing an extension at 25 Grosvenor Park Road, which the Council maintains was similar to the extension the subject of this appeal. However, in the absence of the full details of that proposal, I cannot be certain that the scheme or its impact is directly comparable. It is a core principle of the planning system that each application is determined on its own merits. I have come to my decision based on the details of the scheme before me.

16. Accordingly, I find that the proposed extension would not cause unacceptable harm to the living conditions of the occupiers of 29 Grosvenor Park Road with regard to outlook, daylight and sunlight. As such, the proposal would accord with Policies DM4 and DM32 of the DMPLP. Consequently, it would also be consistent with paragraph 17 of the Framework, which seeks a good standard of amenity for all existing occupants of land and buildings.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed, subject to the conditions specified.

M Hayden

INSPECTOR