
Appeal Decision

Site visit made on 21 November 2017

by Katie McDonald MSc MRTPI

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

Decision date: 30 November 2017

Appeal Ref: APP/U5930/W/17/3181763

2 & 3 Owens Mews, Short Road, Leytonstone E11 4RN

- 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 Terry Owens against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 170951, dated 15 March 2017, was refused by notice dated 10 May 2017.
 - The development proposed is construction of rear dormer windows to existing rooms in the roof.
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Decision

1. The appeal is allowed and planning permission is granted for construction of rear dormer windows to existing rooms in the roof at 2 & 3 Owens Mews, Short Road, Leytonstone E11 4RN in accordance with the terms of the application, Ref 170951, dated 15 March 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 approved plan 040.
 - 3) The extension hereby permitted shall not be occupied until the windows have been fitted with obscured glazing, and no part of those windows shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
 - 4) The materials to be used in the construction of the external sides and front of the development hereby permitted shall match those used on the existing roof.

Main Issues

2. I consider the main issues to be the effect of the proposal upon;
 - i) the character and appearance of the host dwellings and area; and
 - ii) the living conditions of nearby residents.

Reasons

Character and appearance

3. The properties are a pair of semi-detached two storey cottages, constructed from London stock brick with a dual pitched tiled roof. The area has an urban residential character and the proposal is for a rear dormer to provide first floor bathrooms to each dwelling. The dormer would have a flat roof, slate hung sides and front, with obscure glazing to the windows.
4. The dormer would be of a modest scale, occupying less than half of the rear roof slope, considerably set in from the gable side elevations. It would be set up from the eaves, down from the ridge and would positively respond to its context in terms of height, scale and massing.
5. The materials would be tile hung to match the existing roofing material and the proposal would relate well to the host dwellings. It would be a moderate and appropriate addition, having an acceptable effect upon the character and appearance of the host dwellings and area.

Living conditions

6. The rear windows would be obscured glazed, thus removing the element of overlooking to rear gardens of Granleigh Road. I acknowledge that there may still be a perceived sense of overlooking, however by requiring a condition that the windows are not only obscure glazed, but also non-opening would ensure that satisfactory amenity is provided for future and surrounding occupiers.
7. Owing to the height, set back from the boundary and modest scale of the proposal, the effect upon the outlook of the neighbouring dwellings would be negligible, causing no undue sense of enclosure.
8. The proposal would lead to no significant loss of light to neighbouring dwellings, nor would it lead to increased noise and disturbance as the residential use would continue and the windows would be non-opening. Consequently, the proposal would have an acceptable effect upon the living conditions of nearby residents.

Other Matters

9. A neighbouring property details the proposal would have a harmful effect upon a *Cherry* tree located in a neighbouring rear garden. This tree is not subject to any protection and lies outside the appeal site, and I find that the proposal would cause no substantial harm.
10. The existing side extension and increases to the boundary treatment are not material to this current appeal.

Conclusion

11. Accordingly the proposal complies with Policies CS2, CS13 and CS15 of the Waltham Forest Local Plan Core Strategy (March 2012) and Policies DM4, DM29 & DM32 of the London Borough of Waltham Forest Development Management Policies Local Plan (October 2013). These policies seek to ensure well designed proposals that respect the character of the area, and manage the impact of new development on neighbouring amenity.

12. I also find compliance with the Residential Extensions and Alterations Supplementary Planning Document (February 2010), which seeks to provide clear guidance on the design of residential extensions and alterations.
13. The approved plans are listed for certainty, and in the interest of visual amenity, the external materials are required to match the existing roof. For the reasons given above, obscured glazed and non-opening windows are also required.
14. Therefore, I conclude that the appeal should be allowed.

Katie McDonald

INSPECTOR