



Appeal Decision

Site visit made on 6 November 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 5th December 2017

Appeal Ref: APP/U5930/D/17/3181427 229 Vicarage Road, Leyton E10 7HQ

- 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 Dr Anna Grigoryeva against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 170965, dated 15 March 2017, was refused by notice dated 11 May 2017.
- The development proposed is "existing property comprises a two storey house with an original Victorian two storey rear extension, both beneath pitched roofing. The proposal is to alter the roof pitches to the rear of the property with two dormers, to form additional bedroom space, a study and a bathroom. The proposed extension is an opportunity for the new owners to upgrade the roofing as part of upgrading the property which has been falling into disrepair since 1949. The proposal aims to refit and extend the property to enhance its use as a collectively-owned residential household. The proposed extension is in keeping with the existing and will not be visible from the streets (Vicarage Road, Whitney Road and Capworth Street). The extension has been designed to respect the form and match the materials of the existing building. The dormers proposed are of an appropriate scale and bulk, and use appropriate materials, to avoid a top heavy appearance. All new materials (brickwork, tiling, guttering) are to match existing in appearance completely except where noted on the attached drawing, and then to match the character and colour of the original. The roof (currently leaking) will be repaired using salvaged tiles from existing back pitch to repair front pitch, retrofitted with insulation. The make-up of this part of Vicarage Road is a mix of Victorian, Edwardian, post-war, and more recent construction. The Edmunds Court taller apartment block extends significantly to the back, three properties away between 235 and 245 Vicarage Road. There are existing dormer loft conversions at 227 and 225. More dormer loft conversions can be found in the immediate vicinity at 51, 55, 57, 61, 63 Whitney Road, as well as many others including ones of similar design to our proposal (see design and access statement). We therefore believe there is no disruption to the character of the area. Please see attached design and access statement for full details".

Decision

1. The appeal is allowed and planning permission is granted for the construction of a dormer roof extension to main rear roof (with French doors and safety railings) and a roof extension above part of the two storey back addition, together with the installation of two roof lights to the front roof at 229 Vicarage Road, Leyton E10 7HQ in accordance with the terms of the application, Ref 170965, 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 following approved plans: Plan A1 and Location Plan

Preliminary Matter

2. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear from the accompanying details that the development comprises the construction of a dormer roof extension to main rear roof (with French doors and safety railings) and a roof extension above part of the two storey back addition, together with the installation of two roof lights to the front roof. The Council dealt with the proposal on that basis and so shall I.

Main Issues

3. The main issues are the effect of the development on,
- The living conditions of the adjoining occupiers with particular regard to outlook and daylight; and
 - The character and appearance of the area.

Reasons

Living Conditions

4. The appeal site forms a mid-terrace property located within a mainly residential area. The existing building is constructed over two floors and is similar to other properties in the vicinity. The site benefits from an existing two storey extension which projects to the rear of the building. The proposal seeks to erect a dormer extension on the main roof and a further dormer on the two storey extension to create two bedrooms and a study.

5. The neighbouring properties also benefit from two storey extensions, similar to the appeal site. Given the separation distance from windows on the rear 231, which are sited away from the proposed development, I am not persuaded that the development would affect their living conditions in terms of daylight and outlook to a significant level.

6. With regard to 227, the development would be sited closer to existing windows in the rear elevation and an existing dormer window. Consequently, the development would impact on the daylight to windows of 227. However, the appellant relies on the fallback position afforded under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Moreover, the appellant has secured a lawful development certificate¹ from the Council for a roof extension under permitted development rights. This would result in a very similar development to that proposed, in that it provides 2 bedrooms and a study, albeit that the dormer over the existing extension would be reduced to conform to the requirements of the GPDO.

7. I see no reason why the appellant would not carry out the development allowed under permitted development rights in the event that this appeal does not succeed. This is a position which I afford significant weight. I arrive at this conclusion as the permitted development would result in a very similar development to that proposed

¹ Application 172876 dated 13 October 2017

as part of this appeal and the harm arising from the proposed development would not be significantly greater than that created by the permitted development rights.

8. With regard to outlook, given the current relationship with neighbouring properties and the existing two storey extensions that project to the rear of the buildings, outlook to 227 is already affected. I do not consider the proposal would result in a materially different outlook to that currently afforded.

Character and Appearance

9. The Council's concern is that the development would, "appear excessively large and bulky [and] would not appear subservient to the host dwelling" which would have a detrimental impact on the host property and the wider area.

10. However, the appellant again relies on the permitted development rights afforded to them under Schedule 2, Part 1, Class B of the GPDO which would allow a very similar development to be erected. Moreover, the appellant has confirmed through the submission of a lawful development certificate that a similar development can be carried out under permitted development rights. As such, the appellant is able to carry out a roof extension under permitted development rights without recourse to the Council and without any controls exerted by the development plan policies.

11. Against the above background, despite conflicts with the relevant development plan policies that seek to ensure that developments do not impact on the living conditions of neighbours and have an acceptable impact on the character and appearance of the area, the permitted development fallback position in these respects justifies a decision other than in accordance with the development plan.

Conditions

12. The Council are satisfied that, were I minded to allow the appeal, standard conditions could be imposed. Apart from the standard time condition, the plans should also be specified to provide certainty, which also detail the materials to be used for the development.

Conclusion

13. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

Graham Wyatt

INSPECTOR