



Appeal Decision

Site visit made on 10 May 2019

by A. J. Boughton MA (IPSD) Dip. Arch. Dip. (Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/U5930/W/18/3216097

2 Simonds Road, Leyton E10 7BN

- 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 Reynolds against the decision of the London Borough of Waltham Forest.
 - The application Ref 182468, dated 13 July 2018, was refused by notice dated 29 October 2018.
 - The development proposed is 1st floor remodelling of existing layout with new roof conversion and extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - living conditions of neighbouring users with particular regard to overlooking and privacy, and
 - the character and appearance of the host property.

Reasons

Overlooking

3. The proposal concerns the upper floor flat of 2 Simonds Road (No.2) which was formerly the end dwelling in a block of 10 late nineteenth or early twentieth-century (C20) terraced houses, subsequently extended with an additional dwelling on its eastern side. Due to the convergence with Wisemans Road at the rear, where there has also been some C20 infill development, and the houses fronting Church Road, the appeal site is tightly enclosed by a number of two-storey houses and related rear gardens or yards which are of modest size.
4. The appellant identifies¹ that there are currently views from first floor window of No.2 into opposing dwellings fronting Wisemans Road which are in close proximity. My observations confirm there is at present a degree of mutual overlooking but this is limited to a degree by natural screening. However, the existing greenery is of limited size and height, constrained by the available space. The roof extensions proposed to the upper floor flat would place

¹ Figure 2 in 'grounds of appeal'.

accommodation at second floor level, above the existing screening with little more than 10 metres of separation from the rear of dwellings opposite. This would increase the opportunity for inter-visibility between windows of habitable rooms and overlooking of outdoor spaces, with a resultant loss of privacy.

5. Moreover, the design of the roof extension includes a small roof-level terrace. This would increase the scope for overlooking allowing direct views into the surrounding yards and gardens from height. Although the appellant suggests the size would 'hardly permit any significant congregation of people' it would plainly be large enough for two or three to stand and have a commanding view of many properties around the site. To my mind the insertion of a balcony at roof level in this position would be oppressive and harmfully impact upon the privacy of occupiers of nearby properties.
6. I therefore conclude the proposal would conflict with Policies DM4, DM13, DM29, and DM32 of the Waltham Forest Local Plan Development Management Policies (2013) (WFLP) also Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) (CS) together with the Residential Alterations and Extensions SPD (2010) (Residential Extensions SPD) which, taken together (and amongst other things) seek to ensure residential development and extensions protects the privacy and amenity of neighbouring occupiers through considered design.

Character and Appearance

7. The proposal involves an L-shaped roof extension, employing an approach which the appellant suggests will complement the host building. However, the roof form of the terrace block which includes No.2, originally 10 houses, retains its original form with no roof extensions. This includes the more recent dwelling adjoining No.2 which successfully replicates the design of the original dwellings. Consequently, the proposed roof extension would be wholly inconsistent with neighbouring properties and therefore harmfully obtrusive by virtue of its scale and extent notwithstanding its location at the rear. The change would be harmful to the character and appearance of the host building.
8. The appellant points to roof extensions in Etloe Road. However, these are not close to the appeal site such that the setting is changed, and none have a balcony as proposed. Notwithstanding the 'varying roof forms' of later development in Wisemans Road, houses in the vicinity of the appeal site have retained their original architectural form at roof level and the proposed roof extension to No.2 would also harmfully affect that aspect of local character.
9. I therefore conclude that the proposed roof extension would conflict with Policies DM4 and DM29 of the WFDMP, Policy CS15 of the CS and the Residential Extensions SPD which taken together, and amongst other things, seek to give strong recognition to local distinctiveness, to ensure design responds to context and the character of host buildings.
10. Given my conclusions on the main issues which direct that the proposal would conflict with the development plan taken as a whole, other considerations to outweigh that conclusion being absent, I dismiss the appeal.

Andrew Boughton

INSPECTOR