
Appeal Decision

Site visit made on 17 July 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/W5780/D/19/3229504

7 Cowley Road, Wanstead, London E11 2HA

- 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. Gudgeon against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0416/19, dated 31 January 2019, was refused by notice dated 28 March 2019.
 - The development proposed is a loft conversion with second floor rear dormer.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The submissions of both parties reflect the evolving form of the dwelling. Upon visiting the site I observed that the construction of a dormer window had commenced but not been completed. The existing plans that have been submitted indicate that a completed dormer exists, but this is not the case. Therefore, whilst I have regard to the development that is occurring, my assessment is based on the overall development, in its entirety, as shown on the proposed plans.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the host dwelling and the surrounding area; and,
 - the living conditions of the occupiers of 9 Cowley Road, with particular regard to light and outlook.

Reasons

Character and Appearance

4. The existing dwelling, with a two storey projection to the rear and a partially constructed rear dormer, is located within a terrace of dwellings. Other properties within the terrace feature a mixture of two and single storey rear projections. Rear dormers exist at a few other properties. I observed several other extensions to the roofs of buildings within the area, including large extensions at the rear of the properties of Wellesley Road, which are visible from Cowley Road and Nightingale Lane.

5. The dormer that is proposed would be visible from neighbouring rear gardens and fleeting views from Nightingale Lane might be possible when the intervening trees are without leaves. However, the siting of the proposed dormer would be relatively discreet and would not be visible from Cowley Road.
6. The dormer would be particularly deep, extending onto the roof of the rear projection, which would result in it being a bulky addition and prominent in views from neighbouring properties. By extending beyond the main eaves of the terrace and onto the roof of the rear projection, the dormer would become a dominant feature of the roof that would not be subordinate to the host dwelling. It would be significantly more imposing than the other dormers of the terrace which are smaller.
7. Whilst there would be limited views of the development, this does not mitigate the harm that has been identified as, from where it would be visible, it would have a harmfully bulky appearance that would detract from the character and appearance of the host dwelling and become a significantly incongruous and ungainly feature of the terrace. The proposal to use materials that match the host dwelling would not mitigate the harm that has been identified.
8. In terms of the character of the wider area, the scale, bulk and prominence of the additions to the roofs of the properties of Wellesley Road is of some relevance as they have had an impact on the character and appearance of the area. However, I can only give those developments limited weight as the dwellings are of materially different character and appearance to the dwelling at the appeal site and I have not been provided with details of the lawfulness of those developments. Accordingly, whilst I acknowledge that roof extensions are a common feature of the wider area, this does not outweigh the harm that has been identified in terms of the effect on the character and appearance of the existing host dwelling and the terrace.
9. A Certificate of Lawfulness has been granted which indicates that a dormer can be erected at the rear of the property under the terms of permitted development allowances and I have seen that the construction of a dormer has commenced. Permitted development rights provide a fallback position which I afford weight as it is clear that the appellant's intention is to use those allowances. However, the parties agree that the proposal that is the subject of this appeal is different and therefore would have a different effect on the character and appearance of the host dwelling. As such, the ability to use permitted development rights does not alter the weight that I afford to the identified harm.
10. I find that the development would harm the character and appearance of the existing dwelling. As such it is contrary to policies LP26 and LP30 of the Redbridge Local Plan 2015-2030 (LP), adopted 2018, which seek, amongst other things, that developments are well integrated, complement the character of the building, are subordinate to the existing building and incorporate a roof profile that is sympathetic to the existing dwelling.

Effect on Living Conditions

11. The neighbouring dwelling of 9 Cowley Road features a single storey rear projection with a single first floor window on the rear elevation positioned well away from the existing two storey projection at the appeal site. By extending beyond the eaves of the neighbouring dwelling and due to its scale, bulk and

elevated position, the dormer would have some effect on the light afforded to the neighbouring property. However, given the relatively small distance that the dormer would project beyond the first floor window at 9 Cowley Road, any reduction on sunlight and daylight would only be for a small part of the day and would not cause a loss of light to an extent that would unacceptably harm the living conditions of the neighbouring occupiers.

12. Similarly, due to the position and angle of outlook from the neighbouring first floor window and rooflights and the depth of the projection relative to the neighbouring dwelling, the dormer would not cause a loss of outlook to an extent that would harm the living conditions of the neighbouring occupiers.
13. I find that the proposed development would not have an unacceptable impact on the living conditions of the occupiers of 9 Cowley Road, with particular regard to light and outlook. The proposal satisfies those aspects of policies LP26 and LP30 of the LP which seeks, amongst other things, that development avoids and does not result in adverse impact upon the amenity of neighbouring occupiers.

Other Matters

14. The appellant's submissions set out that the existing house is cramped, identifying that the extension would help accommodate visiting family members and that the appellant's family need to remain in this location to combine care responsibilities and access to the local school and transport connections. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. I find that these considerations do not outweigh the harm that I have found.

Conclusion

15. For the reasons given, whilst I have found that the effect on the living conditions of the occupants of 9 Cowley Road is acceptable, I conclude that the appeal should be dismissed on the grounds of the effect on the character and appearance of the existing dwelling and the area.

Ian Harrison

INSPECTOR

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'