



Appeal Decision

Site visit made on 19 August 2019

by D H Brier BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/U5930/C/18/3217672

4 Leonard Road, Chingford, London E4 8NE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr M Salim against an enforcement notice issued by the Council of the London Borough of Waltham Forest.
 - The enforcement notice was issued on 7 November 2018.
 - The breach of planning control as alleged in the notice is the erection of a rear 'L' shaped roof dormer extension and the raising of the original roof height of the main roof.
 - The requirements of the notice are:
 1. Alter the rear 'L' shaped dormer so that it accords with all the requirements of Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 OR
 2. Demolish the rear 'L' shaped dormer in its entirety and reinstate the original roof ridge height of the property.
 3. Remove from the land all building materials and rubble arising from compliance with requirements 1 and 2.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

2. I consider the main issue is whether the extension in question represents high quality design.
3. Planning policies for the area are contained in the Council's Core Strategy (CS) and Development Management Policies Local Plan (LP) and The London Plan (TLP). Echoing the design guidance contained in The National Planning Policy Framework (The Framework) which indicates that good design is a key aspect of sustainable development, CS Policy CS 2, LP Policy DM 29 and TLP Policy 7.4 seek to ensure that high quality design is achieved. Likewise, CS Policy CS15 indicates that new development will be expected to ensure the highest quality architecture and address issues of height and scale sensitively. In a similar vein LP Policy DM 4, which is expressly directed at 'Residential Extensions and Alterations', indicates that such development should relate to the original host building and respect the street scene and character of the area.

4. The development in question extends across the full width of the rear of No.4 and has replaced nearly all of the plane of the roof at the back of the house. The scheme also extends above a 2 storey rear outrigger. While it is not disputed that the scheme has involved raising the roof of the appeal property, a mid-terrace house, my impression was that the increase in this respect has been fairly modest. Moreover, because of the manner in which the front roofs of the houses have been constructed, which makes them appear as individual entities as opposed to being an unbroken continuum, the change is scarcely noticeable when viewed from Leonard Road. Likewise, as the main body of the extension is obscured from view from this direction by the mass of No.4 and the adjoining houses in the terrace, the works do not impinge upon the local street scene.
5. The extension is, however, clearly visible from the rear gardens of the nearby properties along this stretch of the road. And even though the appellant points out that the houses in George Road to the south are at least 34m away, the presence of the works would be apparent from the rear of the properties here nonetheless. As I perceived it, the flat roofed extension has a distinctly box-like appearance which contrasts markedly with the neat and uncluttered roof forms of the majority of the houses on the south side of Leonard Road. This, together with the extent of the works and their elevated nature – the scheme has effectively added an additional storey to the rear of the house - tends to make the extension look very top-heavy, ungainly and out of keeping with the essentially simple form and modest proportions of the host building. The use of external render, as opposed to the brickwork which predominates in the locality, only serves to emphasise the visually incongruous nature of the works.
6. I appreciate that there is a similar addition at the neighbouring house to the west, No.6 Leonard Road. In addition, the appellant has drawn my attention to other examples at Nos 1, 3 and 5, more or less opposite No.4. However, rather than providing justification for the development in question, if anything these instances point to the need for such development to be carefully controlled in the interests of achieving good quality design.
7. For the reasons given above, contrary to the appellant's assertions, my conclusion is that even though the viewpoints from which the scheme can be seen are relatively limited, due to its incongruous nature, it has an adverse effect on the appearance of the host dwelling and falls well short of constituting high quality design. As such, I find it contrary to the provisions of the development plan as a whole and The Framework. I do not consider my concern could be overcome by conditions.

Human Rights

8. The interference with the owner's qualified right under Article 1 of the First Protocol and Article 8 (the right to respect for private and family life and the home) would be necessary and proportionate in the public interest, which in this instance is the need to achieve good quality design as advocated by The Framework and the provisions of the development plan. The regulation of land use is an important function of Government. Good standards of development are important to ensure development is sustainable.
9. As to Article 6, it is acknowledged that the appellant has exercised his right to appeal against the enforcement notice. He has not identified any matters which he considers to have been conducted unfairly. I am satisfied that there has

been equality of arms through the appeal proceedings and I do not consider there has been any interference with and hence violation of the appellant's rights. And, although Article 14 is referred to, no claim has been made by the appellant that he has been treated differently to anyone else. In determining the appeal I have also had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. I do not consider that my conclusions on the development and my decision has a negative impact on a protected group.

Other Matters

10. I have taken into account all the other matters raised, including the appellant's reasons for concluding that the development accords with specific CS and LP policies¹. None however, are sufficient to outweigh the considerations that have led me to my conclusions.

Overall Conclusion

11. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

D H Brier

Inspector

¹ Appellant's Appeal statement, paragraph 5.7.