The Planning Inspectorate

Appeal Decision

Site visit made on 19 August 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Appeal Ref: APP/U5930/D/19/3232143
66 Upper Walthamstow Road, Walthamstow, E17 3QQ

- 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 Mrs Laura Hogg against the decision of London Borough of Waltham Forest Council.
- The application Ref 191050, dated 26 March 2019, was refused by notice dated 25 June 2019.
- The development proposed is a rear and side extension, painting brickwork, replacing windows and doors, replacing dormer material and alterations to existing levels.

Decision

1. The appeal is allowed and planning permission is granted for a rear and side extension, painting brickwork, replacing windows and doors, replacing dormer material and alterations to existing levels at 66 Upper Walthamstow Road, Walthamstow, E17 3QQ, in accordance with the terms of the application, Ref 191050, dated 26 March 2019, 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: Drawing Nos 0376-03-0100 Rev 02, 0376-03-0250 Rev 01, 0376-03-0251 Rev 01, 0376-03-0260 Rev 01, 0376-03-0401 Rev 00, 0376-03-0500 Rev 01, 0376-03-0502 Rev 00.

    3) The external materials of the development shall be those detailed on the application form and approved drawings unless otherwise in agreed in writing by the local planning authority.

    4) The roof area of the development hereby approved shall not at any time be used as a balcony, roof garden or sitting out area.

Main Issues

2. The main issues are the effect of the development upon i) the character and appearance of the host dwelling and surrounding area and ii) the living conditions of occupants at 68 Upper Walthamstow Road (No 68).

Reasons

Character and appearance

3. The appeal property is a large semi-detached house with a dormer extension to the rear roof slope. A two-storey outrigger to the rear results in the property

having an L shaped footprint. It is proposed to erect a modern flat roof extension to the ground floor, which would wrap around the side and rear of the outrigger and would step down to the level of the rear garden.

4. The dwellings along this part of Upper Walthamstow Road are uniformed in terms of their scale, design and siting. Each pair of houses sits behind a modest front garden and there are long, well screened, gardens to the rear. The properties are separated by narrow pathways providing rear access to each. The rear of the properties are not visible in public views and do not form part of the street scene.

5. Reference has been made by the Council to numerous other single storey rear extensions in the area, which have possibly been built under permitted development rights or without planning permission. With the exception of the extension at adjoining No 64, these extensions were not visible to me, either from within the rear garden of the appeal site or within the street scene.

6. According to the scale drawings I have been provided with, the rear of the dwelling is in excess of 10 metres high, although the outrigger is significantly lower. The proposed extension would sit well below the first floor window sills of the outrigger and would be similar in height to the existing rear extension at adjoining No 64. The proposed snug room would be stepped down to have the same internal floor level as the outrigger. The remainder of extension would be stepped down further, making it clearly subservient to the host dwelling.

7. I therefore conclude that the development would not be harmful to the appearance of the host property or the surrounding area and would not conflict with the aims and objectives of Policy 7.6 of the London Plan 2016, Policy CS15 of the Waltham Forest Local Plan - Core Strategy 2012 (Core Strategy) or Policies DM4 and DM29 of the Waltham Forest Local Plan - Development Management Policies 2013 (DMP), which seek to ensure that development is appropriate to local character and of good architectural and design quality.

Living conditions

8. The development would extend the ground floor level of the rear outrigger closer to the boundary of No 68. However, a pathway would be retained between the extension and the existing boundary fence, which is in excess of 2 metres high. Furthermore, I noted on my site visit that No 68 is slightly uphill from the appeal site and it is proposed to set the majority of the extension lower down than the floor level of the outrigger.

9. No 68 is identical to the appeal property. The ground floor openings in the side elevation of the outrigger are secondary to the large bay window in its rear elevation. Upper floor windows would not be affected and the rear ground floor French windows serving the main part of the dwelling are much higher due to differing ground and floor levels.

10. Whilst the extension would be higher than the boundary fence and would extend beyond the rear of the outriggers, there would be a break in the extension, roughly opposite the side windows and door of No 68. There is also mature landscaping within the garden of No 68, which is much higher than the fence and would screen the larger part of the development that extends beyond the outrigger.

11. I therefore conclude that the development would not result in a dominant, visually intrusive, overbearing form of development and that the living conditions of neighbouring occupants of No 68 would not be unreasonably affected. As such there is no conflict with Policy DM32 of the DMP, which seeks, amongst other things, to ensure that new development would not have a detrimental impact on the outlook of neighbouring occupiers.

Other Matters

12. Third party concerns have been raised regarding encroachment over the boundary of adjoining No 64. This is a private matter to be resolved by the parties and is not relevant to my decision. However, I note that revised drawings were submitted to the Council prior to the determination of the application, which demonstrate that the proposed development would not encroach onto neighbouring land.

Conclusion and Conditions

13. For the reasons given above I conclude that the appeal should be allowed.

14. The Council has suggested conditions, which I have considered against the advice in the Framework and Planning Practice Guidance. As well as the standard time limit, I have imposed conditions to ensure that the proposal is built in accordance with the approved plans and materials to provide certainty and to preserve the character of the area. I have also imposed a condition to prevent the flat roof being used as a balcony to ensure that the privacy of neighbouring occupants is protected.

Rachael Bartlett

INSPECTOR