



Appeal Decision

Site visit made on 17 September 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2019

Appeal Ref: APP/U5930/D/19/3232413

75 Ulverston Road, Walthamstow, E17 4BN

- 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 Ms Syreeta Johnson against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref: 191316 dated 15 April 2019, was refused by notice dated 2 July 2019.
 - The development proposed is a side and rear extension.
-

Decision

1. The appeal is allowed, and planning permission is granted for the construction of single storey rear infill with courtyard and single storey rear extension at 75 Ulverston Road, Walthamstow, E17 4BN in accordance with the terms of application Ref: 191316 dated 15 April 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and drawings: 0398-03-0100 Revision 00; 0398-03-0209 Revision 01; 0398-03-0210 Revision 01; 0398-03-0211 Revision 01; 0398-03-0212 Revision 00; 0398-03-0213 Revision 00; 0398-03-0219 Revision 01; 0398-03-0220 Revision 01; 0398-03-0221 Revision 01; 0398-03-0222 Revision 00; 0398-03-0223 Revision 00; 0398-03-0410 Revision 01; 0398-03-0411 Revision 01; 0398-03-0412 Revision 01; 0398-03-0413 Revision 00; 0398-03-0420 Revision 00; 0398-03-0421 Revision 01; 0398-03-0422 Revision 00; and, 0398-03-0423 Revision 00.
 - 3) No construction above slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved samples.

Procedural Matters

2. The original planning application was in the name of 'Johnson & Ek', however the appellant listed on the appellant's appeal form is Ms Syreeta Johnson only,

which I have used in the banner heading above, and the appeal proceeds on that basis.

3. The description of development on the Council's decision notice and the appellant's appeal form is stated as 'Construction of single storey rear infill with courtyard and single storey rear extension'. I consider that this more accurately describes the development before me. The Council has dealt with the proposal on this basis and so shall I.
4. I have noted various statements and correspondence in respect of the existing ground floor rear extension. The Council has stated it has no records of a prior planning permission for the existing extension, and the appellant has stated it has been present for at least 5 years. In addressing this matter in its delegated report, the Council has confirmed that 'it is reasonable to assume this is immune from enforcement action' and its presence 'is given limited weight'. On the basis of the evidence before me, my judgement is that there is a lawful fall-back available to the appellant of retaining the existing extension. Therefore, I have considered the appeal on this basis.

Main Issues

5. The main issues are the effect of the proposed development upon the character and appearance of the host dwelling and the wider area.

Reasons

6. The appeal site is a two to three-storey end of terrace dwelling with neighbouring dwellings of a similar height and style. Properties in the vicinity are mostly similar style terraces in a mix of red or buff brick and/or render. However, additions and alterations to some of these integrate different forms and materials, including for some the use of wood, glass, darker cladding and roofing materials, of which are visible from the appeal site and from various glimpses between and through terraces nearby. The proposed development would replace a bright red brick part-flat roofed extension with parapet walls and a sizeable pyramid shape roof light that does not harmonise or relate particularly well to the character and appearance of the outrigger.
7. The proposed development would include a pitched roof in keeping with the outrigger roof form. Whilst the ridge would be higher than the apex of the existing roof light it would sit below the first-floor window. The eaves on the boundaries with No. 73 and No. 77 would be slightly lower mitigating the limited increase in ridge height to neighbouring properties. The increase in depth compared to the existing extension would not be unduly perceptible to neighbouring properties or the wider area. Combined with the darker colour timber framing the windows and panes of glass, the proposed rear extension would be of height, scale, form and appearance that appears subordinate to and would not dominate the host property.
8. The side return infill would not extend beyond the rear wall of the outrigger, facing onto and being enclosed by the side return and flank wall of No. 77. Whilst the short section of timber panelling would protrude to enclose the courtyard and maintain privacy, any impact from it would be minimal given its height and depth. Taking into account all the elements of the proposed development, it would not be insubordinate or dominant, or out of keeping or discordant with the character and appearance of the host dwelling.

9. There would only be limited views possible of the development from properties beyond the immediate neighbours and those opposite, and glimpses from the street scene to the north. As a consequence, the proposed development would not have a harmful impact upon the character and appearance of the area.
10. For the reasons set out above the proposed development would be in keeping with and would not be harmful to the character and appearance of the host dwelling and the wider area. It would not conflict with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM4 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan (2013), Policies 7.4 and 7.6 of the London Plan (2016) and paragraph 127 of the National Planning Policy Framework (2019). In combination these policies, amongst other things, expect a high quality of architecture and design that responds positively to local context and character, reinforces or enhances local character, and responds to its context in terms of height, scale and massing. For the reasons set out above I consider that the development would also not conflict with the advice cited by the Council in its reason for refusal, from its Urban Design Supplementary Planning Document (2010) (the SPD).

Other Matters

11. The Council has raised concerns that approving this development would make it difficult to resist similar developments, of which the cumulative impact would be harmful to the character and appearance of the area. However, given the presence and form of the existing extension, the small increase in height, and the form and design of the proposed development, I have concluded the proposed development would be acceptable. I can see no reason why it would lead to harmful developments on other sites in the area.

Conditions

12. As well as the standard condition specifying the time limits for commencement of development, compliance with the approved plans is necessary to provide certainty. The Council has suggested that the materials to be used in the construction of the external surfaces of the development should match those used in the existing building. However, the nature of the existing building gives me doubts as to whether the proposed development could be carried out in accordance with the approved plans, if this condition were to be imposed. Therefore, in the interests of visual amenity it is necessary to impose a condition requiring that the materials are submitted for approval.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed, and planning permission be granted.

Dan Szymanski

INSPECTOR