The Planning Inspectorate

Appeal Decision

Site visit made on 16 December 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2020

Appeal Ref: APP/U5930/D/19/3234939
2 Chadwick Road, Leytonstone E11 1NF

- 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 Mohammud Salamut against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 190341, dated 29 January 2019, was refused by notice dated 17 July 2019.
- The development proposed is construction of single storey rear extension, part first floor rear extension and rear roof lights in loft space.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the property and the surrounding area 2) the living conditions of the occupants of 4 Chadwick Road and 3) the living conditions of the occupants of the appeal property.

Reasons

Character and appearance

3. The appeal property is a three-storey semi-detached property and is situated in a predominantly residential area. At the rear, the property has a centrally positioned two-storey outrigger and a single storey rear extension. The neighbouring property has a similar two-storey outrigger combined with a single storey rear extension that projects further into the rear garden than the existing single storey rear extension at the appeal site.

4. The gable elevation of the property is visible from the street-scene. The side elevation of the proposed extension at this point would be visible, however the design, and the use of matching materials, would mean that the proposal would not harm the appearance of the property or the wider street-scene when viewed in this context.

5. The majority of the extension would only be visible from the rear of surrounding properties and their rear gardens. There are a number of rear extensions to the surrounding properties and the proposal in this context, combined with the existing outrigger and single storey extension to the appeal

property, would not be out of character or cause harm to the appearance of the property or the surrounding area.

6. The fenestration of the extension would not be vertically symmetrical with the rest of the property; however, this is not a characteristic of the rear elevation of the existing property or the neighbouring property in any event and would not cause harm. The use of matching materials would further ensure that there is no unreasonable harm to the character and appearance of the property or the surrounding area.

7. The rear extension is for the most part single storey, with a two-storey element sitting neatly adjacent to the existing outrigger, following its form and profile. In the context of the size and scale of the existing property, it would not dominate the host building, nor would it appear excessively large or bulky. The extension would not be significantly greater in size or scale than extensions to other properties and combined with the lack of visibility from any public vantage points, it would not cause harm.

8. The proposal would therefore not have a harmful effect on the character and appearance of the host property and the surrounding area. It would comply with Policy CS15 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM4 and DM29 of the Waltham Forest Local Plan – Development Management Policies (2013). These policies seek to ensure, amongst other things, that development is of high-quality design which responds positively to local context and character, and addresses issues of height and scale sensitively. They also require development to: relate to the host building; respect the street-scene and the character of the area; respond to their context in terms of scale, height and massing; and be visually attractive.

9. The proposal would also comply with the Residential Extensions and Alterations Supplementary Planning Document (2010) which outlines that development should be of a high standard of design and should complement the size, shape and character of the host property.

10. Policy CS2 of the Waltham Forest Local Plan – Core Strategy (2012) relates to sustainable housing growth and is not relevant to the proposal. Policy CS13 of the Waltham Forest Local Plan – Core Strategy (2012) relates to the promotion of health and well-being and is not relevant to the matter of character and appearance. Policy DM32 of the Waltham Forest Local Plan – Development Management Policies (2013) relates to the impact of development on occupiers and neighbours and is also not relevant to the matter of character and appearance.

Living conditions of occupants of 4 Chadwick Road

11. The appeal property is adjoined to, and shares a common boundary with, no. 4 Chadwick Road. The development includes a single storey rear extension that runs along the common boundary for a distance of around 8m.

12. No. 4 Chadwick Road has a ground floor window that is positioned in the main body of the house. On one side this window looks onto the existing outrigger and single storey extension at no. 4 Chadwick Road and on the other side it looks onto the common boundary with the appeal site. There are other existing windows in the ground floor of the side elevation of the outrigger and single storey extension that look onto the appeal site although one of these contains

obscure glazing. An existing brick wall separates the two properties. This does not extend above the height of the existing window and drops down to a lower level after a distance of approximately 4m from the main body of the house.

13. Due to its size, scale and the length of projection along the common boundary, I find that the single storey rear extension would appear dominant and create an increased sense of enclosure when viewed from no. 4 Chadwick Road.

14. The proposal would therefore have a harmful impact on the living conditions of occupants of no. 4 Chadwick Road. It would be contrary to Policy CS13 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM4 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013). These policies seek to ensure, amongst other things, that satisfactory amenity is provided for future and surrounding occupants, protect occupiers of existing buildings and properties nearby from suffering any excess loss of residential amenity, and ensure outlook is maintained for neighbours in their homes.

15. The proposal would also be contrary to the Residential Extensions and Alterations Supplementary Planning Document (2010) which outlines that for rear extensions it is generally inappropriate to square the property by infilling the 'L' shape as this can create a tunnel effect and be overbearing.

Living conditions of occupants of the appeal property

16. The proposed development would be constructed on part of the rear garden of the property and thus reduce the overall amount of amenity space that is available to the occupants.

17. The Council have commented that for a dwelling of the size that would be formed as a result of the proposal, a minimum of 90sqm of outdoor amenity space should be provided. The Council consider that the amount of outdoor amenity space that would remain as a result of the development would be 30sqm, and therefore harmful to the living conditions of the occupants of the appeal property.

18. From the information before me, it is evident that the Council have made an error in their calculation. The proposed site plan shows a garden of 13m by 10.8m would remain following development. This would give a garden area of 140sqm which I consider would provide a sufficient area of outdoor amenity space for the occupants.

19. The proposal would therefore not have a harmful effect on the living conditions of the occupants of the appeal site. It would comply with Policy CS13 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM4, DM7, DM29 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013). These policies seek to ensure, amongst other things, that satisfactory amenity is provided for future and surrounding occupants, protect occupiers of existing buildings and properties nearby from suffering any excess loss of residential amenity, have well designed amenity space and a minimal amenity space standard.

20. The proposal would also comply with the Residential Extensions and Alterations Supplementary Planning Document (2010) which outlines that a home should provide appropriate garden space for current and future residents and ensure that extensions do not make it too small for practical use.

Other Matters

21. I have had due regard to the personal circumstances in relation to disability for some of the occupants of the appeal property. These have been considered in accordance with the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act. However, it does not follow from the PSED that the appeal should succeed and whilst I have given weight to the disability of some of the occupants of the appeal property, they do not outweigh the harm that would be created to the living conditions of the occupants of the neighbouring property were the appeal to be allowed.

22. I have also considered the family circumstances that have been put forward by the appellant and the housing and financial considerations of the occupants were they to require alternative residence. These matters, however, do not override the harm I have identified with the proposal.

Conclusion

23. On the matter of the effect of the proposed development on the character and appearance of the host property and the surrounding area, I have found that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area. On the matter of living conditions, I have found that the development would have an unacceptable impact on the living conditions of the occupants of no. 4 Chadwick Road but would not have an unacceptable impact in relation to the effect on the occupants of the appeal property.

24. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR