The Planning Inspectorate

Appeal Decision

Site visit made on 20 January 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/U5930/D/19/3239170
87 Greenleaf Road, Walthamstow, Waltham Forest E17 6QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).
- The appeal is made by Ms Farah Mirza against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 192508, dated 27 July 2019, was refused by notice dated 6 September 2019.
- The development proposed is a single storey rear extension which would extend 5.372m beyond the rear wall of the existing dwelling, a maximum height of 3.075m and an eaves height of 2.784m.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of Schedule 2, Part 1, Class A and limitation A.1(g) of the GPDO are subject to Condition A.4, which requires a prior approval procedure to be undertaken including consultation with adjoining property owners or occupiers. As an objection was received from the occupier of No 89, the prior approval of the Council was required, and, in this case, refused.

3. I have determined this appeal with regards to the effects of the proposed development on the amenity of all adjoining premises, in accordance with Schedule 2, Part 1, Class A, Paragraph A.4 (9) of the GPDO.

Main Issue

4. Therefore, the main issue is the effect of the development on the living conditions of the occupiers of adjoining premises.

Reasons

5. The appeal property is a two storey terraced dwelling with existing single and two storey extensions to the rear. The proposed extension would be along the shared rear boundary with No 89, which I am satisfied is the only property that would be affected by the proposal. The rear elevation of No 89 contains a large ground floor window adjacent to the boundary.

6. Even though the extension would be single storey, I observed that the parapet height that it would follow from the existing is significantly greater than the boundary fence. Given the boundary is angled slightly across the rear elevation

of No 89, I consider that the height and depth of the proposed extension would cause it to be an overbearing structure when viewed from the adjacent ground floor window of No 89. This would create an uncomfortable sense of enclosure and harm the outlook of the occupiers of No 89.

7. Furthermore, whilst I recognise that the adjacent ground floor window of No 89 already receives a reduced level of light during some parts of the day due to the presence of the existing extension, the additional depth of the proposed extension, combined with its height and orientation, would result in further and unacceptable overshadowing and loss of light to that window.

8. For these reasons, I conclude that the development would have an unacceptable impact on the living conditions of the occupiers of No 89 with regards to outlook and light. As such, it is contrary to Policies DM4 and DM32 of the Waltham Forest Development Management Policies Local Plan (2013), and the Residential Extensions and Alterations Supplementary Planning Document (2010). These require, amongst other things, that extensions protect the residential amenity of neighbours by maintaining daylight/sunlight and outlook in their homes and gardens.

Other Matters

9. The appellant contends that if No 89 were to be extended to the rear through permitted development, it would nullify any overshadowing and overbearing effects from the appeal scheme. However, there is no substantive evidence that No 89 is likely to be extended in the near future. I am required to determine the appeal on the basis of the current circumstances, not unsubstantiated speculation on matters outside of the appellant's control. This is, therefore, a matter to which I afford very limited weight and as such, does not lead me to a different conclusion.

Conclusion

10. For the reasons given and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR