



Appeal Decision

Site visit made on 27 January 2020 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/U5930/D/19/3243573

17 Maida Avenue, Chingford E4 7JH

- 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 Ani Karamfilova against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 192441, dated 23 July 2019, was refused by notice dated 12 November 2019.
 - The proposed development is to extend the existing property at the rear to add an additional first floor extension over the existing ground floor extension at the back of the property to allow the extension of the first floor bedrooms.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i) the effect of the proposed development on the living conditions of the occupants of No. 19 Maida Avenue, with particular regard to light and outlook.
 - ii) the effect of the proposed development on the character and appearance of the site.

Reasons for the Recommendation

Living Conditions of No. 19 Maida Avenue

4. The appeal site comprises a two-storey semi-detached property on the northern side of Maida Avenue. As No. 19 has a north-facing aspect to the rear, the proposed first floor extension would not have a significant impact upon sunlight to the nearest rear-facing first floor window of No. 19, nor would there be an unacceptable level of harm caused in terms of overshadowing to the rear garden or the ground-floor rear extension. However, due to its excessive depth and the lack of any set back from the shared boundary, the proposed extension would appear overtly dominant and oppressive within views from the nearest
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rear-facing first-floor window of No. 19, despite not being substantially taller than this window.

5. I am not convinced that the effect of the proposal on outlook would be comparable to the relationship between a ground-floor extension and a neighbouring ground-floor window, particularly as the impact of such a ground-floor extension would usually be mitigated due to its position behind a boundary fence or wall.
6. For the above reasons, I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupants of No. 19 Maida Avenue in terms of outlook. The proposed development would therefore conflict with Policies CS13 and CS15 of the Core Strategy (2012), Policies DM4, DM29 and DM32 of the Development Management Policies (2013) and the Residential Extensions and Alterations SPD (2010), which all seek to ensure that development is well designed so that satisfactory amenity is provided for surrounding occupiers. However, I do not find that the proposal would conflict with Policy DM23 of the Development Management Policies (2013), as this does not appear to relate to living conditions or amenity of residents.

Character and appearance

7. The appeal property has a large, full-width rear extension at ground-floor level and adjoins No. 19 to the east. The proposed first-floor rear extension would have the same depth and width as the existing ground-floor extension. In combination with the existing extension, the development would appear as a large, utilitarian addition. However, there are a number of other examples of similar two-storey rear extensions close by. Although these developments were approved over twenty years ago under different policy frameworks, they nonetheless contribute to the context of the proposal. As the resultant appearance of the appeal site would not appear overtly incongruous within the immediate context of these developments, the proposal would not harm the character and appearance of the appeal property.
8. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the site. The proposed development would therefore comply with Policy CS15 of the Core Strategy (2012), Policies DM4 and DM29 of the Development Management Policies (2013) and the Residential Extensions and Alterations SPD (2010), which state that development must be of the highest quality, relate to the host building and respond to their context in terms of scale, height and massing. Policy CS13 of the Core Strategy (2012) does not relate directly to design and is of little relevance.

Other Matters

9. I understand that the proposal would provide improved living accommodation for the appellant and their family. However, these personal circumstances do not justify the identified harm that would result from the proposal.

Planning Balance, Conclusion and Recommendation

10. Although I have found that the proposed development would be acceptable in terms of its effect on the character and appearance of the site, this is outweighed by the harm that would be caused to the living conditions of the occupants of No. 19 in terms of outlook.

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

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR