



Appeal Decision

Site visit made on 28 January 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/U5930/W/19/3234765

46 Harrington Road, Leytonstone, E11 4QW

- 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 Imran Yusuf against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref: 19/0871 dated 12 March 2019, was refused by notice dated 17 May 2019.
 - The development proposed is first floor side and rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the surrounding area; and
 - the living conditions of occupiers of 44 Harrington Road, with particular regard to outlook and daylight and 48 Harrington Road with regard to privacy.

Procedural Matter

3. The property is in use as a House in Multiple Occupation (HMO). The lawfulness of this use is a matter of dispute between the parties. I have not therefore taken the use of the property into account in my decision.

Reasons

Character and appearance

4. Number 46 Harrington Road (No. 46) is an end-of-terrace property on the corner of Harrington Road and Burghley Road. It is a traditional two-storey property, with a two-storey outrigger and incorporates various side and rear single-storey extensions within the rear garden as well as a rear roof extension to the main roof. It is located within a predominantly residential area, characterised by similar two-storey terraced properties. The rear of the terrace properties fronting Harrington Road are clearly visible from Burghley Road where the uniform appearance and the rhythmic pattern of the two-storey rear additions contributes to the street scene.

5. The proposed side extension would extend almost the entire width of the main rear elevation of the property along the length of the existing two-storey outrigger. Whilst set in from the side elevation and maintaining the roof slope of the existing rear addition, the extension, due to its excessive width and proportions, would be a bulky addition and would not appear subservient to the main property. This would erode the traditional form and proportions of the building. The proposed rear extension would extend rearwards along the boundary with 44 Harrington Road (No. 44) above an existing ground floor extension. It would result in an overly long rear addition, out of proportion with the modest dimensions of the existing two-storey house.
6. In combination, the proposed extensions would appear dominant and disproportionate in size and as overly large additions to the host property which, consequently, would appear cramped within its plot. This would cause unacceptable harm to the character and appearance of the host property.
7. The proposed development would not be consistent with the pattern of surrounding development due to its additional length and excessive width. It would interrupt the strong rhythm of development characteristic of the rear of the terrace, appearing at odds with the rest of the terrace. Due to the gap between the flank wall of 27 Burghley Road (No. 27) and the appeal property, this would be clearly visible. Furthermore, the excessive size of the side extension and its height along the Burghley Road frontage, despite its set back, would be a bulky and overbearing addition. This would be harmful to the street scene.
8. The use of matching materials, whilst providing consistency with surrounding development, would not overcome the harm arising from the design, size and bulk of the extension.
9. I conclude that the proposed development would significantly harm the character and appearance of the host property and the surrounding area. It would therefore conflict with Policies 7.4 and 7.6 of the London Plan 2016¹ (LP) and Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 (Core Strategy) and Policies DM4 and DM29 of the Waltham Forest Local Plan Development Management Policies 2013 (DMP). These policies together require development to be of high quality that relates to the host property, respects local character and is appropriate in scale. Policy DM30 of the DMP requires inclusive design in new publicly accessible development and is not directly relevant to the appeal scheme.

Living Conditions

10. The proposed extension would extend rearwards beyond the outrigger at first floor level along the boundary with No. 44. The Council's delegated report indicates that No. 44 is subdivided into flats and served by ground and first floor level in the rear elevation of the outrigger. The submitted drawings indicate that these are kitchen windows. I observed during my site visit that at first floor, there is a glazed door rather than a window in this elevation, leading to a small balcony.
11. The extended wall at first floor level would match the ridge height of the outrigger and would significantly increase the height and bulk of the building on

¹ The Spatial Development Strategy for London consolidated with alterations since 2011

this boundary. This would make it appear overbearing when viewed from the adjacent flats within No. 44. Furthermore, the close proximity of the extension to the rear facing windows and door in No. 44 in combination with its length, would significantly restrict outlook from these properties, especially from the first-floor glazed door, which currently benefits from an open outlook towards Burghley Road.

12. The Council's delegated report has indicated that the proposed extension would lead to an unacceptable loss of daylight to the rear facing window and glazed door in No. 44. I have been provided with no evidence that this is not the case. The window and door are indicated to serve kitchens which could, depending on their size and how the space is used, be habitable rooms. I have been unable to view these rooms and I have been provided with no details of their size, layout or whether they form part of a larger living space or whether they are served by any other windows or doors. In the absence of firm evidence, I am not satisfied that the loss of daylight to these rooms would not cause an unacceptable impact on the living conditions of the occupants of these flats.
13. The proposed side extension would have four windows which would face towards the two windows in the side elevation of the outrigger to 48 Harrington Road (No. 48) on the opposite corner of Burghley Road. I do not have confirmed details of the separation distance between the facing windows of Nos. 46 and 48, however, I accept that the existing arrangement means some mutual overlooking occurs between these windows. Whilst the proposed windows would only be a little closer to No. 48 than the existing windows, there would be more of them and they would serve two separate rooms. This would give rise to some additional overlooking and loss of privacy for the occupants of No. 48.
14. Whilst I acknowledge the lack of objections from these neighbours this in itself does not justify the proposal as I must also consider the effect of the proposed development for future occupants of these properties. I conclude that the proposed development would significantly harm the living conditions of occupiers of No. 44, with particular regard to outlook and daylight and No. 48 with regard to privacy. It would therefore conflict with Policy 7.6 of the LP and Policies DM4, DM29 and DM32 of the DMP. These policies together require development to be designed to protect the amenities of neighbouring occupiers and to ensure that daylight, outlook and privacy is maintained for existing occupiers.

Other Matters

15. The appellant has indicated that the proposed extension would provide better accommodation for the occupiers of the property as an HMO and would provide additional accommodation of this type within an accessible location. The increased living space for occupiers would be a positive aspect of the scheme. However, given the disputed status of the site, I have given no weight to the provision of additional accommodation.

Conclusion

16. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin, INSPECTOR