



Appeal Decisions

Site visit made on 28 January 2020

by **AJ Steen BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Appeal Ref: APP/U5930/C/18/3214658 86 Dunedin Road, London E10 5NJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Tazeer Shah against an enforcement notice issued by the Council of the London Borough of Waltham Forest.
- The enforcement notice, numbered 077155, was issued on 3 October 2018.
- The breach of planning control as alleged in the notice is:
 1. Without planning permission, the erection of an L-shaped dormer, located above the rear of the main roof of the dwellinghouse, above the original two storey rear projection outrigger and across the two storey rear extension to the outrigger.
 2. Without planning permission, the alteration and extension of the roofplane and ridge height of the original dwellinghouse to facilitate the inclusion of an L-shaped rear dormer roof extension.
- The requirements of the notice are:
 - I. Demolish and Reduce the dimensions of the L shaped rear dormer roof extension back to the original roof so that it complies with the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - II. Reduce the roof plane and ridge height to the original level prior to the works taking place and comply with the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
Or
 - III. Demolish and remove the unauthorised L-shaped dormer roof extension in its entirety and reinstate the roof to its original configuration prior to the breach of planning control.
 - IV. Remove all component parts, fixtures and fittings, associated materials, debris, and general detritus resulting from these requirements.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

The Appeal on Ground (a) and the Deemed Planning Application

Main issue

1. The effect of the rear dormer and raised ridge on the character and appearance of the existing building and surrounding area.

Reasons

2. 86 Dunedin Road is a mid-terraced two storey property with similar properties on the road to the rear and other surrounding roads. A small number of other houses in this and surrounding terraces have roof extensions, including over the rear outrigger projections of the houses. However, these have not required the roofs of those houses to be raised and are set away from the edge of the roofs.
3. 86 Dunedin Road has been extended with an L shaped roof extension over the main roof and outrigger projection to the rear. It extends close to the eaves of the dwelling and the rear wall of the outrigger projection. In views from surrounding rear gardens and from Oliver Road, the extension is highly visible and prominent, dominating the rear of this dwelling. As a result, it harms the character and appearance of the dwelling and the surrounding area.
4. The ridge of the dwelling has been raised as part of the works to provide additional living accommodation in the roof. The dwellings in the terrace are separated by dividing walls that extend above their roofs. In this case, the pitch of the roof has been increased such that it is not parallel to those dividing walls and the ridge is closer to the top of those walls than on other dwellings. Whilst this is not overly prominent, it does appear somewhat incongruous, such that it does not reflect the character and appearance of the surrounding area.
5. For these reasons, I conclude that the rear dormer and raised ridge harm the character and appearance of the existing building and surrounding area. As a result, they conflict with Policy CS15 of the Waltham Forest Core Strategy, Policies DM4, DM29 and DM32 of the Waltham Forest Local Plan and Policies 7.1, 7.4 and 7.6 of the London Plan that seek the highest quality of architecture that relate to the original building and respect the character of the area.

Other matters

6. The appellant suggests that the harm identified is not significant enough to take enforcement action on. Section 172 (s172) of the Town and Country Planning Act 1990 as amended (the Act) states that the local planning authority may issue a notice where it appears to them that it is expedient for them to do so. However, such a consideration does not fall within the statutory grounds of appeal at s174 of the Act. As a result, that is not a matter for me in this appeal.

Conclusion

7. For the reasons set out above, I conclude that the proposed development would not accord with the development plan. The appeal on ground (a) therefore fails.

Formal Decision

8. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

AJ Steen INSPECTOR