



Appeal Decision

Site visit made on 11 February 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/U5930/D/19/3235512

35 The Charter Road, Woodford Green IG8 9RE

- 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 M Al-Sibaai against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 191109, dated 31 March 2019, was refused by notice dated 12 June 2019.
 - The development proposed is a single storey rear extension, first floor side extension and the change of use of a garage to a habitable room.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The submitted plans purportedly show an existing garage inaccurately located in relation to a common boundary. The appellant has submitted revised existing and proposed floor plans at the appeal stage seeking to address this. The differences between the different plans are not material and therefore, the decision is based on the revised plans.
3. The Council's first reason for refusal relates to living conditions and is based on the absence of accurate plans showing the relationship of the proposal with a neighbouring property. However, it has not detailed what these objections might have been in its officer's report. Given this, this decision has considered the listed considerations set out in the main issues below, taking into account a neighbour's objection.

Main Issues

4. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of neighbouring dwellings, having regard to outlook, light and privacy.

Reasons

Character and appearance

5. The appeal site comprises a detached two storey dwelling on the eastern side of The Charter Road which it is elevated above. It has a vehicle drive rising up to a single storey garage extension which is attached to the side of the dwelling.

6. The property lies within the Highams Park Area of Special Character. The area is characterised by a variety of traditional style dwellings, many of which have been extended and altered. Some of the dwellings retain their original two storeys and steeply pitched roof forms with two storey frontage gables. Many of these dwellings also have a distinctive palette of materials, with brick at ground floor and light-coloured rendering/painting at the first floor with dark painted timber features. There is a proposed Article 4 Direction, removing permitted development rights for extensions and alterations, for the area but little weight can be attached to this in the absence of any confirmation.
7. The existing dwelling has retained much of its original form and features, despite extensions to the side. The side extension would be stepped back from the garage's front and side elevations by approximately a metre. Overall, it would be stepped back approximately 2.2m back from the dwelling's principle front elevation. However, the side extension would be deep and exposed to view due to the slope of the site and the position of the dwelling forward of the neighbouring dwelling. The proposed hipped roof above would extend significantly up to the ridge of the existing roof.
8. The conversion of the garage would result in the replacement of its door with a wide paned window but the architectural treatment of this would visually jar with its surroundings. The window would be noticeably shorter in depth than the existing window in the bay window at the ground floor, the other side of the frontage entrance. Below the new window, there would also be a strikingly extensive expanse of brickwork. Furthermore, the replacement window at the ground floor would make the altered side of the dwelling appear like a two storey extension of dominant scale. For all these reasons, the design, scale and size of the side extension and garage alterations would be overbearing within the street and the extended dwelling would adversely affect the visual qualities of the area.
9. The existing garage does not complement the style of the host dwelling by reason of design and position. Nevertheless, the upward extension of the side extension would result in a far greater adverse effect due to greater prominence. The character and appearance of the area is varied, with examples of large scaled extensions on properties, which has resulted in more individual qualities to dwellings. However, every proposal has to be considered on its particular planning merits. Additionally, such examples merely illustrate the harm which would result from this proposal, if it were to proceed, having viewed many of them on my site visit.
10. The proposed rear single storey extension would provide accommodation linked to the garage extension and would extend across almost the full width of the dwelling. However, this would not dominate the dwelling due to its single storey scale and it would also be located within a spacious garden setting. Therefore, it would not adversely affect the character and appearance of the area.
11. For all these reasons, the first floor extension and the conversion of the garage would harm the architectural integrity of the building and the local character and appearance of the area. Accordingly, the proposal would be contrary to policies CS2 and CS15 of Waltham Forest Local Plan Core Strategy (CS) 2012 and policies DM4 and DM29 of the Waltham Forest Local Plan Development Management Policies (DMP) 2013.

Living conditions

12. The first floor extension would infill a space between the side of the existing dwelling at No 35 and the dwelling at 37 The Charter Road and its drive in front. With the stepping back of the first floor, there would also be a small gap between it and the flank of No 37. The side extension would also have no flank first floor windows whilst those to the rear would mainly face the rear garden of the host property, despite the angled nature of the common boundary between the two properties.
13. The rear extension would be single storey with a generous gap with the garden and dwelling at 33 The Charter Road. In relation to No 37, this property has some infill extensions to the side and rear. Here, any overshadowing and loss of outlook would be limited due to the single storey nature of the proposal and the existence of boundary fences. No overlooking would occur due to the absence of any flank windows. For all these reasons, the extensions would not adversely affect the living conditions of the occupiers of neighbouring properties, having regard to outlook, light and privacy. Accordingly, the proposal would comply with policies CS2 and CS15 of the CS, and policies DM4 and DM29 of the DMP (in respect of living conditions).

Other matters

14. The first floor extension and garage conversion would result in improvements to residents' living conditions of the host dwelling. However, personal circumstances will seldom outweigh the more general planning considerations as works of a permanent nature will remain long after the personal circumstances have ceased to be material. In respect of the side boundary, the consideration of disputed property ownership is a separate legal matter which would not be of sufficient weight to withhold planning permission.

Conclusion

15. The first floor extension and the change of use of the garage would harm the character and appearance of the area in conflict with the referred policies of the CS and DMP. By reason of these conflicts, the proposal would conflict with the development plan taken as a whole. Material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.
16. For the reasons given above and having regard to all other matters, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR