



Appeal Decision

Site visit made on 18 February 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2020

Appeal Ref: APP/U5930/W/19/3241422

3 Tennyson Road, London E10 5JS

- 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 Andrew Sucis against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref: 192459, dated 25 June 2019, was refused by notice dated 24 October 2019.
 - The development proposed is described as: The demolition of an existing rear extension and erection of a new single storey rear and side infill extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development would provide suitable living conditions for the occupiers of the dwelling, with particular regard to outlook and daylight.

Reasons

3. The appeal building is a ground floor flat within a two storey, terraced property, that has been sub-divided to form two flats. The Council have not raised any objections to the appearance of the proposed extension and do not consider that it would cause harm to the living conditions of the occupiers of the neighbouring properties. From what I have read and from what I saw when I visited the site, I have no reason to reach a different conclusion.
4. The Council's sole objection to the scheme, as articulated in the reason for refusal given on the decision notice, relates to the effect that the proposed extension would have on the living conditions of the occupiers of the appeal building in terms of outlook from the property and the level of daylighting within the resulting building. Taken together, Policies DM4 and DM32 of the London Borough of Waltham Forest Development Management Policies Local Plan 2013 (the Local Plan) seek to ensure that new development protects the occupiers of the occupiers of existing buildings from any excessive loss of residential amenity and maintains daylight/sunlight, outlook and privacy for existing occupiers.
5. The proposed extension to the rear of the flat would in part replace an existing lean-to extension and in part infill an area between the existing, two storey

rear addition, to the building and the common boundary with the neighbouring property at number 2 Tennyson Road. Part of the new floorspace would provide an ensuite bathroom to the existing bedroom at the rear of the flat, which would be accessed by removing the existing window and the brickwork beneath to create a new internal doorway. The practical result of this would be that the rear bedroom of the flat would become an internal room with no window. The principal question, therefore, is whether the development would provide acceptable living conditions in terms of daylighting and outlook for the resulting dwelling when taken as a whole.

6. Neither party has submitted any technical evidence in respect of the levels of daylight that would be achieved within the bedroom of the property. The proposed alterations to the property would result in a dwelling with a deep plan form with only the room at the front of the property and the new kitchen/dining room, formed by the proposed extension, at the rear of the property having windows in the external walls. Although the submitted drawings and supporting information refer to rooflights being provided in the new extension, the actual size of these rooflights is unclear. The drawings are annotated with 'zone for skylight above' on the proposed floorplan (Drawing Number 0019-UW-A1.100 revision 01) and 'zones for potential rooflights' on the proposed roof plan. Neither the supporting information for the planning application, nor the appeal submissions, specify the size or design of the rooflights that would be provided, or whether these sizes will correspond exactly to the size of the zone identified on the drawings.
7. The appeal submissions state that the space within the changing room marked on the plans would be given a light finish paint or mirrored surfaces to reflect light into the room. However, there is no technical assessment of the resulting levels of daylight that would be achieved or how this compares to the current levels of daylight within the rear bedroom. I saw when I visited the site that the present configuration of the flat allowed for a reasonable level of daylight throughout the building. Based on the evidence put to me, I cannot conclude that this level of daylighting would be maintained by the appeal proposal. From the submitted drawings much of the central part of the flat, including the circulation corridor, which would be lengthened internally as a result of the proposal, and a proposed new bathroom, would receive little or no natural light. Neither can I be certain that an adequate, or acceptable, level of daylight would be received by the bedroom.
8. The proposed extension would result in there being no outlook from the rear bedroom. Although this room is not the principal living area of the flat, it is nonetheless a habitable room and one in which the occupants might reasonably wish to spend lengthy periods of time. The lack of outlook combined with the lack of access to daylight would adversely affect the quality of the accommodation within the flat regardless of the increase in floor area and the provision of an ensuite bathroom.
9. I accept that the appeal proposals would not affect the room at front of the flat facing Tennyson Road and that the new kitchen and dining area that would be created by the proposed extension would be adequately lit, and would have an open aspect to the rear. However, the proposed additional floorspace would be achieved at the expense of reducing daylight to, and outlook from, one of the existing habitable rooms of the flat and would result in little or no natural light being received by much of the central part of the floor plan. Taking the

dwelling as a whole, the present levels of daylight and outlook would be much diminished and, consequently, the proposed development would not provide suitable living conditions for the occupiers.

10. I have noted the appellant's point that the approach taken is common in London properties of this age and design but, as no specific examples have been provided by way of reference, I cannot give any weight to this. I have determined the appeal on its own merits and no other material considerations have been identified which would indicate that the proposal should be allowed.
11. I therefore conclude that the proposed development would not provide suitable living conditions for the occupiers of the dwelling, with particular regard to outlook and daylight. It would not comply with the relevant requirements of Policies DM4 and DM32 of the Local Plan. It would also be inconsistent with the requirements of the National Planning Policy Framework, which seek to ensure that new development provides a high standard of amenity for existing and future residents.

Conclusion

12. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR