The Planning Inspectorate

Appeal Decision

Site visit made on 30 June 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2020

Appeal Ref: APP/U5930/D/19/3239992
5 Frobisher Gardens, Westerham Road, Leyton E10 7AY

- 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 Hani Najam against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 192598, dated 5 August 2019, was refused by notice dated 30 September 2019
- The development proposed is a single storey rear extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the:

   - living conditions of adjoining occupiers with particular regard to outlook and light for 4 and 6 Frobisher Gardens; and
   - character and appearance of the area, including the host property.

Reasons

Living Conditions

3. The appeal site forms a mid-terrace property that is sited within a mainly residential area. The proposal seeks to erect a single storey flat roof rear extension that would occupy the width of the plot and extend some 4.5m from the rear of the property with an overall height of some 3m. The extension would be sited between the rear elevations of No. 4 and 6 Frobisher Gardens, neither of which have been extended.

4. The overall height, depth and location of the proposal leads me to conclude that it would unacceptably increase the sense of enclosure to, and loss of outlook from, the neighbouring properties at No. 4 and 6 Frobisher Gardens, with the outlook for the occupiers of No. 4 particularly affected given the extension that exists at No. 3 Frobisher Gardens. Furthermore, owing to the orientation of the properties either side of the proposal, the extension would likely cause unacceptable levels of overshadowing and loss of light received by the neighbours at No. 4 and 6. Therefore, the increased sense of enclosure coupled with the loss of outlook, the proposal would be harmful to the living conditions of the adjoining properties.

5. Thus, the development would result in material harm to the living conditions of adjoining occupiers though its impact on light and outlook. It would be in conflict with Policies DM4, DM29 and DM32 of the London Borough of Waltham Forest Development Management Policies Local Plan 2013 (the Local Plan), and the London Borough of Waltham Forest Residential Extensions and Alterations Supplementary Planning Document 2010 (the SPD) which seek, amongst other things, to ensure that developments protect the occupiers of properties nearby from suffering excessive loss of residential amenity.

Character and Appearance

6. Given the overall scale of the extension as a single storey addition, coupled with the garden area that would remain post development, I am not persuaded that the extension would appear as an incongruous or insubordinate addition to the host property. Furthermore, although the extension would be visible from the rear of properties that surround the appeal site, it would not have a significant impact on the character and appearance of the area to a large extent, being sited behind the main dwelling.

7. Thus, I find that the development would have an acceptable impact on the character and appearance of the area, including the host property. It would not be in conflict with Policy CS15 of the London Borough of Waltham Forest Local Plan Core Strategy 2012, Policies DM4 and DM29 of the Local Plan, and the SPD which seek, amongst other things, to ensure that developments respond positively to local context, relate to the original host building and respond to their context in terms of scale, height and massing.

Other Matters

8. I noted that 3 Frobisher Gardens and other properties had extensions similar to that which the appellant seeks. However, the presence of development elsewhere does not represent an appropriate reason to find in favour of a development that is otherwise harmful. Furthermore, although I also accept that the neighbours did not object to the proposal, one has to consider that the extension would be for the lifetime of the development and the lack of an objection does not remove the harm that I have identified above.

Conclusion

9. I have found that the development would not have a detrimental impact on the character and appearance of the area. However, I have found that the development would harm the living conditions of adjoining occupiers. Therefore, for the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR