



Appeal Decision

Site visit made on 14 July 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th August 2020

Appeal Ref: APP/U5930/W/20/3247272

81 Millais Road, Leytonstone, London E11 4EZ

- 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 Steve Georgiou against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 193840, dated 16 December 2019, was refused by notice dated 10 February 2020.
 - The development proposed was originally described as the "conversion of main and secondary lofts to create a 3 bedroom maisonette".
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Decision

1. The appeal is allowed and planning permission is granted for the construction of dormer roof extension to main rear roof and roof extension above two storey rear projection, together with installation of two roof-lights to front roof at 81 Millais Road, Leytonstone, London E11 4EZ in accordance with the terms of the application, Ref 193840, dated 16 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AR/A3/001 (Location/Block Plan), AR/A3/002 (Existing Drawings) and AR/A3/003 (Proposed Drawings)
 - 3) The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building and shall thereafter be retained as such for the lifetime of the development.
 - 4) The roof lights hereby approved shall not protrude more than 0.15m from the plane of the original roof slope.

Preliminary Matter

2. The appeal form states that the description of development changed from the one used on the original application form. I have therefore used the description from the application form in the banner above, and for my decision I have used the description from Section E of the appeal form.

Main Issues

3. The main issues are the effect of the development on the:
 - character and appearance of the area and the host property; and

- living conditions of adjoining occupiers with particular regard to outlook and light.

Reasons

Character and Appearance

4. The appeal site forms a mid-terrace dwelling that is located within a predominantly residential area. The property, like many others in the vicinity, benefits from a two storey outrigger to the rear. It is proposed to convert the buildings loft area and first floor to create a three bedroom maisonette. This would be achieved through the introduction of a dormer window to the rear, along with a further roof extension over the existing outrigger. Two roof lights are also proposed on the front elevation, which the Council do not raise an objection to. From my own assessment, I have no reason to disagree.
5. The London Borough of Waltham Forest Residential Extensions and Alterations Supplementary Planning Document 2010 (the SPD) states that dormer windows should normally be to the rear as they are less likely to have a detrimental impact on the character of the street. Furthermore, the proportions should be appropriate and not go above the ridge height of the host building, and L-shaped dormers should also be avoided.
6. The appellant has provided several photographs of roof extensions that exist in the area. I also noted that several properties, including neighbours and properties along Frith Road to the rear of the site, have been extended with dormer windows and other roof extensions. However, the Council confirm that some of these extensions, like the one at 83 Millais Road, were constructed using permitted development rights.
7. Although large additions, I do not regard the development to represent bulky features that would detract from the character and appearance of the surrounding area or the host building. While the proposals would be the width of the existing building, they would nonetheless be sited to the rear of the property and set below its ridge height and back from the existing outrigger. I acknowledge that the development would be visible from the rear of surrounding properties. However, it would nonetheless be mostly screened from public viewpoints and, notwithstanding the procedure under which they were constructed, would not be dissimilar to other existing dormers and roof extensions in the vicinity. I am therefore satisfied that the character and appearance of the existing property and surrounding area would not be adversely compromised.
8. Thus, the development would not be in conflict with Policy CS15 of the London Borough of Waltham Forest Local Plan Core Strategy 2012 (the CS), Policies DM4, DM29 and DM32 of the London Borough of Waltham Forest Development Management Policies Local Plan 2013 (the DMP) and the SPD which seek, amongst other things, to ensure that developments reinforce local character, taking account of patterns of development and responds positively to local context and character. The Council also refer to Policy CS13 of the CS which relates primarily to health and wellbeing. As such, I do not consider it relevant in this case.

Living Conditions

9. The Council argue that the proposed alterations would affect the outlook that the neighbouring properties are currently afforded and it would also affect daylight they may receive. The property at 83 Millais Road has an existing dormer and rear extension which does not contain any windows on its side elevation. It does however contain a window at first floor level and a glazed door at ground floor

which are sited on the rear elevation of the property itself and not on the outrigger. Nonetheless, the proposed dormer would be set back from the eaves and below the ridge of the host property and the roof extension would also be set back from the full extent of the outrigger. These elements, coupled with the orientation of the rear elevations that face northwards and the gap that would remain between the properties post development, lead me to conclude that the proposal would not result in significant loss of daylight or outlook to 83 Millais Road.

10. Turning to 79 Millais Road, this does not have any alterations to its roof. Therefore, given that the proposal will be confined to the roof and outrigger and located on the other side of the pitched roof that the properties share, I am not persuaded that the development would cause significant levels of loss of daylight or outlook that the occupiers of the property currently enjoy.
11. Thus, the proposal would not harm the living conditions of adjoining occupiers. It would not be in conflict with Policy CS15 of the CS, Policies DM4, DM29 and DM32 of the DMP, and the SPD which seek, amongst other things, to ensure that developments protect the occupiers of existing buildings and properties nearby from suffering any excessive loss of amenity.

Conditions

12. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. Along with the standard time condition, the approved plans should also be specified to provide certainty. In the interest of the visual amenities of the area, the materials used for the development shall match those on the existing building and the proposed roof lights shall not protrude more than 0.15m from the roof plane.

Conclusion

13. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR