
Appeal Decision

Site visit made on 1 September 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/U5930/W/20/3254031

115 Ainslie Wood Road, Chingford, London E4 9DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order (the Order) 2015 (as amended).
 - The appeal is made by Ms Elley Begum against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 200892, dated 10 March 2020, was refused by notice dated 7 April 2020.
 - The development proposed is a single storey ground floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The principle of the development is not in question. My deliberation is confined to the matters set out under paragraph A.4(7) of the Order that states "*Where any owner or occupiers of any adjoining premises object to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of adjoining premises*".
3. The local planning authority received an objection to the proposed development from a neighbouring occupier; therefore, this triggered an assessment of the impact of the proposed development on the amenity of adjoining premises.
4. The Council determined that by virtue of its height, depth and overbearing character the extension would result in loss of outlook, diminished access to sunlight and would create overshadowing, all of which would severely prejudice the amenity of 1 Layton Road. As such, the Council concluded that the extension would be contrary to Policy DM32 of the Waltham Forest Local Plan Development Management Policies (DMP) 2013 and its Supplementary Planning Document (SPD) 'Residential Extensions and Alterations' 2010.

Main Issue

5. The main issue is whether the rear extension should be granted prior approval having regard to A4(7) of the Order.

Reasons

6. No 1 Lynton Road is attached to the appeal property and together they comprise a pair of semi-detached properties. The proposed rear extension would be constructed along the common boundary and would project approximately three metres beyond the existing single storey rear extension at 1 Lynton Road. It would also be a tall extension. Given the overall size, orientation and relationship of the extension to 1 Lynton Road, the proposal would be extremely dominant in the outlook of the occupiers of that adjoining property and would reduce light to and overshadow the property over part of each day. Taking these elements in combination the proposed extension would be harmful to the living conditions the adjoining occupiers should reasonably expect to enjoy.
7. I saw that a pergola has been erected at the rear of the single storey extension at 1 Lynton Road. However, that is by design an open structure that would not substantially reduce the visibility of the proposed extension in the outlook from 1 Lynton Road. The existence of that structure, and the fact that the existing single storey extension at 1 Lynton Road would shorten the length of development visible to the occupiers, do not overcome my above concerns in relation to the living conditions of the occupiers of 1 Lynton Road.
8. For the above reasons, the proposed development would conflict with Policy DM32 of the DMP and the SPD that seek development, amongst other matters, to ensure that daylight/sunlight, outlook and privacy is maintained for existing occupants and their neighbours in their homes and gardens.
9. I, therefore, conclude that the development would not be permitted development under Class A4(7) of the Order as the proposed development would have an unacceptable impact upon the living conditions of the occupiers of the adjoining premises and would, therefore, have a negative impact on the amenity of adjoining premises.

Conclusion

10. For the reason given above the appeal is dismissed.

Nicola Davies

INSPECTOR