



Appeal Decision

Site visit made on 1 September 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2020

Appeal Ref: APP/U5930/D/20/3249275

58 Wallwood Road, Leytonstone, E11 1AZ

- 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 Nazia Rashid against the decision of London Borough of Waltham Forest Council.
 - The application Ref 193296, dated 4 October 2019, was refused by notice dated 16 January 2020.
 - The development proposed is a single storey side infill & rear extension, lowering of existing basement floor slab, along with minor internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side infill & rear extension, lowering of existing basement floor slab, along with minor internal alterations at 58 Wallwood Road, Leytonstone, E11 1AZ, in accordance with the terms of application Ref 193296, dated 4 October 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Drawing Nos. 1916.1/A001, 1916.1/A002, 1916.1/A003, 1916.1/A004, 1916.1/A005, 1916.3/A001, 1916.3/A002, 1916.3/A003, 1916.3/A004, 1916.3/A005, and OS Map dated 24 May 2019.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are:
 - the effect of the proposal on the character and appearance of the host dwelling and surrounding area; and
 - the effect of the proposal on the living conditions of the occupiers of 56 and 60 Wallwood Road, with regard to outlook, light and privacy.

Reasons for the Recommendation

Character and Appearance

4. The appeal site comprises a two-storey, semi-detached property on the northern side of Wallwood Road within an established residential area. The dwelling features a two-storey rear outrigger with two small lean-to extensions. The appeal dwelling also currently has a shed which abuts the boundary with No. 60. The rear garden is considerably long as are most rear gardens in the immediate area.
5. The proposal would result in the erection of a L-shaped single storey side and rear extension following the demolition of the garden shed and lean-to extensions. Whilst the Council is concerned with the depth, height and footprint of the extension, I find that the resulting dwelling would be adequately proportioned due to its modest single storey height and limited depth, and the proposed footprint is not excessive in scale. In my view, the development would appear subservient to the host property and would not unbalance the scale and form of the house, so would not fail to reflect the character and appearance of the host dwelling. It also would not appear out of place given there are properties in the immediate area that also feature large single storey rear extensions. Indeed, the proposed depth of the extension would match the depth of the neighbouring rear extension at No.60..
6. Given the above, the proposed development would not conflict with Policy CS15 of the Waltham Forest Core Strategy (the 'Core Strategy') as well as Policies DM4 and DM29 of the Development Management Policies Local Plan document (the 'Local Plan') which together seek to ensure proposals and residential extensions are well designed, relate to the original host building and the character of the area. I have also had regard to the 'Residential Extensions and Alterations' Supplementary Planning Document (SPD) which seeks the same.
7. I have not found that Policy CS13 of the Core Strategy is directly relevant to the proposal before me as it relates more specifically to health and well-being. Similarly, Policy DM32 is not relevant to this issue as it relates to the impact of new development on neighbouring amenity which I consider below.

Living Conditions

8. The proposal would abut the common boundary with No.56, be flat-roofed and of modest height and depth. It is considered that the proposed height and depth of the development would not be excessive. Hence it would not have an intrusive or overbearing visual impact upon the windows in the rear elevation of No. 56 and its garden, and so would not markedly change the outlook from the rear of No.56.
9. A number of proposed windows would face the neighbouring property at No. 60. Although the Council is concerned these new openings within the flank elevation of the appeal property would negatively affect the ground floor windows within the side elevation of No.60, I find that the boundary fence between the two dwellings would provide a sufficient amount of screening to prevent a loss of privacy. There would not be any significant opportunity for overlooking owing to the single storey height of the side extension which would also be set in from the common boundary.

10. Furthermore, I am not convinced the proposed lantern rooflights would produce an unreasonable amount of light spillage such that they would adversely impact the living conditions of the neighbouring occupiers.
11. Given the relationships between the properties I viewed on site, and the orientation of the buildings, I am satisfied that there would be no significant loss of sunlight or daylight as a result of the proposed development.
12. I therefore find the development would not harm the living conditions of the occupiers of 56 and 60 Wallwood Road, with regard to outlook, light or privacy. The proposed development would accord with Policies DM4, DM32 and DM29 of the Local Plan and CS15 of the Core Strategy which together aim to ensure new development is of good design and respectful of the amenity of occupiers of neighbouring buildings. I have also had regard to the SPD which seeks the same.

Conditions

13. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was successful. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance.
14. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have also included a condition requiring the external materials match the existing building, to protect the character and appearance of the area.
15. Two conditions were suggested by the Council's Air Quality Officer in the delegated report. However, these were not included in the Council's list of suggested conditions in their appeal questionnaire, nor have the policies justifying them been provided. As such I have not included them as it has not been satisfactorily demonstrated that they are necessary.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR