
Appeal Decision

Site visit made on 15 September 2020

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/U5930/C/19/3237036

25 Gunners Grove, Chingford, London E4 9SR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Kamil Koc against an enforcement notice issued by the Council of the London Borough of Waltham Forest.
 - The enforcement notice was issued on 29 August 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission, the development of a timber framed single storey rear canopy extension on an existing extension
 - The requirements of the notice are:
 1. Demolish and remove the unauthorised single storey timber framed single storey rear canopy extension.
 2. Restore and make good the relevant parts of the site; and
 3. Remove all resulting fixtures and fittings, materials and general detritus from the Land following compliance with step 1 -2 above.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) appeal and the Deemed Planning Application

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the host building and the area; and
 - the living conditions for the occupiers of Nos 23 and 27 Gunners Grove, with particular regard to light, overshadowing and outlook.

Character and appearance

3. The appeal site is in a residential area characterised predominantly by semi-detached bungalows and two storey residential properties. The appeal property has been previously added to with a single storey side and rear extension, a

hipped to gable roof extension including a rear dormer and a front porch extension. More recently, a canopy extension has been constructed, to the rear of the single storey rear extension, which extends the full width of the property.

4. The canopy extension when combined with the existing single storey brick built rear extension extends the building considerably and occupies a disproportionate amount of the rear garden. Although not visually prominent the unauthorised development has substantially eroded the extent of undeveloped space associated with this property, which has created a cramped and an uncomfortable relationship with the host building and the adjacent properties. I note that the canopy extension is not widely visible within the wider public realm, however, its presence is clearly apparent and in close proximity of several surrounding residential properties.
5. Furthermore, the extension comprises poor quality materials consisting of a timber frame and a Perspex panel roof, which lacks any architectural merit and is at odds with the prevailing character of the area. Therefore, despite the structure being largely open on three sides, and its position away from any public views, the effect of the development diminishes unacceptably the character and appearance of the host building and the area generally.
6. Whilst there are a number of properties within the area, which benefit from rear extensions, none appear to extend to the same depth as the development before me. As such the existence of these other extensions are not directly comparable to the current unauthorised development and does not justify the harm identified above.
7. Therefore, in relation to the first main issue, the development has a harmful effect upon the character and appearance of the host building and the area. The development is therefore contrary to Policies DM4 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan, 2013 (Local Plan), Policy CS15 of the London Borough of Waltham Forest Core Strategy, 2012 (Core Strategy), and Policies 7.4 and 7.6 the London Plan, 2016 (London Plan). Amongst other things, these state that the Council will expect a high standard of urban and architectural design and expect all development to relate to the original 'host' building, and respect character of the area.
8. The development does not meet the aims of part 12 of the National Planning Policy Framework, 2019 (Framework), which requires development to be sympathetic to local character and history.

Living conditions for the occupiers of Nos 23 and 27 Gunners Grove – outlook, light and overshadowing

9. With regards to outlook, prior to current unauthorised development, occupiers of Nos 23 and 27 Gunners Grove would have had a relatively open outlook across the rear gardens of Gunners Grove. In contrast, the scale and size of the canopy extension in combination with the existing brick built extension, together with the poor quality materials used in the construction of the canopy extension, results in a visually intrusive and unneighbourly form of development, built along the boundary with both neighbouring properties at Nos 23 and 27. This results in harm to the living conditions for the occupiers of these neighbouring properties, with regards to outlook.

10. Turning to loss of light and overshadowing, I acknowledge that the timber framed canopy extension fails the 45 degrees angle test stated within the London Borough of Waltham Forest Supplementary Planning Document Residential Extensions and Alterations, 2010 (SPD). However, the existing canopy structure is largely open on both sides (above the existing boundary treatment) and to the rear. Furthermore, the Perspex panel roofing also permits light to pass through. As such, I am satisfied that its design and single storey height, does not result in any demonstrable loss of light nor overshadowing to neighbouring occupiers of Nos 23 and 27.
11. Therefore, whilst I find no harm in relation to loss of light and overshadowing, I consider that the development fails to provide acceptable living conditions for occupiers of Nos 23 and 27, with regards to outlook. Accordingly, the development is contrary to Policies DM4 and DM32 of the Local Plan, Policies CS2 and CS13 of the Core Strategy, and Policy 3.2 of the London Plan. Amongst other things, these require satisfactory amenity is provided for future and surrounding occupiers and that all development protect the occupiers of the properties nearby from suffering any excessive loss of residential amenity.
12. Furthermore, the development is contrary to paragraph 127 of the Framework which states that development should ensure high standards of amenity are created for future as well as existing users.

Other matters

13. I note that the appellant states that the property has prior approval for a 6m deep extension. However, no detailed plans nor supporting evidence has been submitted to demonstrate this. In any event, the canopy extension, in combination with the existing brick built single storey rear extension has an overall depth greater than 6m, and therefore would be expected to have a greater impact than the 6m deep extension referred to by the appellant. As such, I can only attach limited weight to this.

Conclusion

14. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R. Satheesan

INSPECTOR