



Appeal Decision

Site visit made on 12 October 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 03 November 2020

Appeal Ref: APP/U5930/D/19/3242439

35 Lloyd Road, Walthamstow, E17 6NP

- 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 Seamus Masterson against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref:193049, dated 10 September 2019, was refused by notice dated 28 October 2019.
 - The development proposed is construction of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear extension at 35 Lloyd Road, Walthamstow, E17 6NP in accordance with the terms of the application, Ref:193049, dated 10 September 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: Location Plan; Block Plan; and SR/EXT/BR/25/13/L76 Revision v.2.
 - 3) The external surfaces of the development hereby permitted shall match those used in the construction of the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no external windows other than those shown on the approved drawings shall be constructed in the development hereby permitted.

Procedural Matters

2. I have used the description of the development from the Council's decision notice. It adequately and simply describes the proposed development.
3. The proposed development has been commenced although it is far from complete. I shall consider the appeal accordingly.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers at Nos 33 and 37 Lloyd Road with particular regard to outlook and light.

Reasons

5. Under permitted development rights (PDRs) an extension upto 6 metres in depth within the side return and 3.1 metres from the outrigger could be built. The height of the proposed development would be unaltered from that which is permitted in accordance with PDRs, however it would extend for a further half a metre or so, beyond the permitted development limit.
6. From the neighbouring dwelling, No 37, the outlook from the ground floor rear windows is presently towards their rear garden area and a substantial wooden fence positioned at the common boundary. The proposed extension would be visible above the intervening fence, however, as the proposed extension would be set at a lower ground level than that of No 37 and its private outdoor amenity space, this would reduce the extent of the proposed extension that would be visible above the existing boundary treatment. Furthermore, the proposed roof would include a shallow pitch that would slope away from the rear garden of No 37. As such, the appeal proposal would not appear unduly dominant nor would it have a significant overbearing or enclosing effect on the occupiers of the neighbouring dwelling, No 37.
7. Similarly, to the opposite side, a fence defines the boundary in between the host dwelling and No 33. By reason of its height of approximately 4 metres, the proposed extension would be clearly visible above the existing boundary treatment. The presence of existing vegetation within the neighbouring garden would help to mitigate the effect of the proposal to a limited extent. Moreover, under PDRs an extension of a similar height and to a depth of 3 metres could be built alongside No 33. The proposed additional depth of approximately half a metre would have the same very limited impact as the first three metres of the proposed extension. For these reasons, the proposal would not appear unduly dominant nor would it have a significant overbearing or enclosing effect on the outlook of the occupiers of No 33 from their garden or rear windows.
8. By reason of the orientation of rear gardens in a northward direction, those areas closest to Nos 33 and 37 presently experience a reduced amount of daylight due to overshadowing caused by their host dwellings. Given the existing circumstances and the single storey height of the proposal, this would not, in my view, lead to an unacceptably harmful loss of daylight or overshadowing.
9. Therefore, I conclude that the appeal proposal would not harm the living conditions of the occupiers of Nos 33 and 37 with regard to light and outlook. Thus, the proposal would broadly accord with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM4, DM29 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013). Among other things, these policies seek high quality development that protects the occupiers of properties nearby from suffering any excessive loss of residential amenity.
10. The Council's reasons for refusal cite the guidance of the Residential Extensions and Alterations Supplementary Planning Document (2010). However, there is little information provided to me that sets out the specific detail of that conflict and therefore I do not find this matter to be determinative.

Conditions

11. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary in the interests of clarity to define the plans which the scheme should accord to. A condition specifying external materials is necessary to safeguard the character and appearance of the area. A condition removing permitted development rights concerning windows is necessary to protect the privacy of neighbouring residents.

Conclusion

12. For the reasons given above, the appeal is allowed subject to the conditions.

E Brownless

INSPECTOR