



Appeal Decision

Site visit made on 08 November 2020

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/U5930/D/20/3249920

856 Lea Bridge Road, London E17 9DW

- 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 Mohammed Kajee against the decision of London Borough of Waltham Forest.
 - The application Ref 200286, dated 28 January 2020, was refused by notice dated 25 March 2020.
 - The development proposed is a first-floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 856 Lea Bridge Road, London E17 9DW in accordance with the terms of the application, Ref 200286, dated 28 January 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development on the application form was "*proposed first floor rear bedroom extension*". This description was amended following submission of the application and the new description better reflects the development proposed. As such, I have referred to the amended description for the purposes of this appeal.

Main Issues

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 occupiers of neighbouring properties.

Reasons

Character and appearance

4. The appeal site is an end of terrace two-storey residential property situated on a corner of Lea Bridge Road and Peterborough Road. It has a flat-roof single-storey extension at the rear. It is surrounded by similar properties on both roads. The area has a mixed character of both residential and commercial use, though the roads leading from Lea Bridge Road have a stronger residential character. Alterations and rear extensions in the immediate area are visible in the street scenes and have, in the main, retained the character of the respective host property and the residential character of the area.

5. The other properties in the same terrace, nos. 858 and 860 Lea Bridge Road, have been extended at ground-floor level and with full width flat-roofed dormers. No. 860 also has a two-storey rear extension of a similar scale and design to the appeal proposal, though the extension is centrally sited on the rear elevation. The two-storey extension at no.860 was retrospectively granted planning permission following an appeal decision letter dated 26 April 2018¹. The appeal decision letter concludes that views of the extension at no.860 must be actively sought by virtue of its rear siting and distance from Peterborough Road but in any case that its design would not adversely affect local character due to its siting below the roofline and matching materials creating a subservient appearance. To the other side of Peterborough Road, no.854 Lea Bridge Road also has a full width flat-roofed dormer extension and two storey rear extension with a pitched roof.
6. The scale and height of the rear extension would therefore not be out of keeping with the character and appearance of the area, which features several extensions of similar scale, including immediately adjacent to the appeal site. The appeal proposal would be more prominent than that of no.860, as it would be flush with the side elevation of the property which fronts Peterborough Road. However, the proposal would be no more prominent than the flat-roof dormer and the rear pitched-roof extension of no.854, the latter of which has only a small set-back from the street and is massive despite its pitch roof. In any case, the proposal would retain a subservient appearance with the host dwelling by virtue of its matching materials, not extending the full-width of the host dwelling and its siting below the roofline (and below the two flat-roofed dormers of the neighbouring properties). The flat-roof style of the extension would not dominate the host dwelling for these reasons and would be in keeping with the character and appearance of the area given the prevalence of flat-roofed dormers and flat-roofed single and two-storey rear extensions in the vicinity.
7. For these reasons, I conclude that the proposal would be in keeping with the character and appearance of the area and host dwelling in accordance with policy CS15 of the Waltham Forest Local Plan- Core Strategy (CS), adopted 2012 and policies DM4 and DM29 of the Waltham Forest Local Plan- Development Management Policies (DMP), adopted 2013. Policies CS15 and DM29 seek, amongst other things, well designed buildings and places. Policy DM4 relates to residential extensions and seeks to ensure, amongst other things, that proposals relate well to the host dwelling and protect occupiers of neighbouring dwellings from excessive loss of amenity.

Living conditions

8. No.858 Lea Bridge Road has been extended at the rear with a dormer in the roof, but has not been extended at first-floor level. As such, the existing rear extension at no.860 and the appeal proposal at no.856 would project beyond the plane of the rear wall of no.858 on either side. The appeal proposal does not extend the full width of the host dwelling and would be set away from the boundary with no.858. Due to its proposed siting and lack of facing windows, the extension would not adversely affect the sunlight or privacy of no.858. There are two windows in the rear elevation of no.858 at first-floor level; they appear to serve a habitable room (bedroom) and a bathroom. Whilst the

¹ APP/U5930/D/16/3194009

outlook from the bedroom directly onto the flat-roof of the existing single-storey rear extension in the rear garden of the appeal site would be lost, wider outlook towards the end of the rear garden of the appeal site and down Peterborough Road would be retained due to the siting of the extension away from the shared boundary. In any case, existing outlook for no.858 is somewhat constrained by the side elevation of no.1 Peterborough Road and as such its predominant outlook is towards the end of the rear gardens of the neighbouring properties.

9. For these reasons, I conclude that the appeal proposal would not have an unacceptable adverse impact on the living conditions of occupiers of neighbouring properties, in accordance with policy CS13 of the CS and policies DM4 and DM32 of the DMP.
10. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) is cited in the decision notice, yet no specific reference is drawn to my attention by the Council. However, with reference to my reasoning above, the proposal is sympathetic to the design of the host dwelling and the character and appearance of the area, and it would not result in an adverse impact on the living conditions of neighbouring occupiers. Thus, the appeal proposal does not conflict with the general objectives of the SPD.

Conditions

11. I have imposed the standard 3-year time limit and approved plans conditions to ensure the development takes place in a timely manner in accordance with the details of the proposal.

Conclusion

12. For the reasons set out above, I conclude that the appeal proposal accords with the relevant policies of the Development Plan and that the appeal should be allowed, subject to conditions.

Kim Langford Tejrar

INSPECTOR

Schedule of 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: LBR856- Site Plan, LBR856-Block Plan, LBR856-PP-03 Proposed Plans_03 Rev A and LBR856-PP-04 Proposed Plans_04 Rev A.