
Appeal Decision

Site visit made on 8 December 2020

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2021

Appeal Ref: APP/U5930/D/20/3256853

55 Priory Avenue, Chingford, London, E4 8AD

- 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 & Mrs Pavlov against the decision of London Borough of Waltham Forest Council.
 - The application Ref 201156, dated 7 April 2020, was refused by notice dated 22 June 2020.
 - The development proposed is a first floor rear/side extension above existing single storey extension to create new bedroom and first floor bathroom. Side dormer to create an en-suite bathroom off existing bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear/side extension above existing single storey extension to create new bedroom and first floor bathroom. Side dormer to create an en-suite bathroom off existing bedroom at 55 Priory Avenue, Chingford, London, E4 8AD, in accordance with the terms of the application, Ref 201156, dated 7 April 2020, 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: Drawing Numbers 2296_01, 2296_02, 2296_03, 2296_04A and 2296_05B.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the host dwelling.

Main Issues

2. The main issues are the effect of the development upon i) the character and appearance of the area and ii) the living conditions of occupiers at No. 53 Priory Avenue.

Reasons

Character and appearance

3. The site is located in a residential street comprising 2 storey semi-detached houses of similar scale and appearance, with generous rear gardens.

Inevitably the dwellings have been extended and altered over time. Roof tiles, windows, cladding and render have changed and extensions have been added predominantly to the rear of the dwellings and to their roofs, either by the addition of dormer windows or hip to gable alterations. Such changes are generally covered by permitted development rights and will continue to occur. Notwithstanding the diverse range of extensions and alterations that have been undertaken, the area has maintained a very pleasant and cohesive appearance.

4. The proposed first floor extension would be located predominantly to the rear of the property. However, it would also form an addition to the side of the roof. The first floor would be set back from the principal elevation of the house by approximately 6 metres and would only be visible in glimpsed views between the appeal property and No. 53 Priory Avenue. Moreover the majority of the extension would be hidden behind the proposed side dormer, located towards the front of the dwelling, to which no objections have been raised. Accordingly there would be no adverse impact on the street scene.
5. From the rear, the extension would appear subservient. It would project approximately 3m from the original rear elevation and would be just over half the width of the original dwelling. The ridge height of the hipped roof extension would be lower than that of the main dwelling. The nearest properties to the rear of the site are approximately 30 metres away.
6. I observed during my site visit that the same first floor extension has been constructed to the rear of Nos. 96, 98, 100 and 102 Priory Avenue, the rear of which are clearly visible in public views from Priory Close. No. 100 Priory Avenue also has the same side dormer as that proposed at the appeal site. These extensions, unlike the flat roof dormers that extend up to the rear gable wall of No. 57 Priory Avenue and various other properties I could see from the rear of the appeal site, harmonise well with the design of the original dwellings and make a positive contribution to the evolving character and appearance of the area. The fact that such an extension has not yet been added to houses on the same side of the road as the appeal site is not a reason to withhold planning permission.
7. It is proposed to finish the extension using matching windows and materials. The roof tiles and UPVC windows are clearly not original. Given the age of the dwelling pebbledash may well have been used in its original construction. The council's report confirms that the dwelling is not within a Conservation Area or subject to an Article 4 direction. Accordingly the windows, roof tiles, external render and paint colours can be altered at any time without the need for express planning permission. As the area comprises a mixture of materials of a similar nature, it is my view that provided the extension is finished in materials that match or complement the main house; the proposals would not result in any harmful visual impacts.
8. I therefore conclude that the proposals would comply with the National Planning Policy Framework (the Framework), policies DM4 and DM29 of the Waltham Forest Development Management Policies (2013) and the Residential Extensions and Alterations Supplementary Planning Document (2010) (SPD), which seek, amongst other things, to ensure that extensions and alterations relate well to the host building and the character of the area. I have not been provided with copies of other policies referred to in the decision notice. However, as the most relevant policy and guidance for house extensions is

found in policy DM4 and the SPD, the other policies referred to would have been unlikely to alter my findings.

Living conditions for occupiers of 53 Priory Avenue

9. Priory Avenue slopes upwards from west to east. Accordingly No. 53 Priory Avenue sits noticeably higher than the appeal site. All of the windows and doors in the side elevation of No. 53, which face the appeal site, are obscure glazed, suggesting they are not primary windows and that they do not offer the occupiers any views or outlook. Assuming the layout of No. 53 is the same as that at No. 55, the side windows serve a ground floor bathroom, entrance hall and a second window to the kitchen, which also has a window overlooking the rear garden. The first floor window serves the landing/stair well.
10. As the first floor extension would project no further back than the existing ground floor outrigger, there would be no loss of outlook from any windows in the rear elevation of No. 53, which are some distance from the proposal and at a higher level.
11. I therefore conclude that the proposals would not have an overbearing impact on occupiers of the neighbouring dwelling and would not conflict with policy DM4 of the Waltham Forest Development Management Policies (2013), which seeks to ensure that daylight/sunlight, outlook and privacy is maintained for existing occupants and their neighbours. I also find no conflict Policy CS13 of the Waltham Forest Core Strategy (2012) or with the SPD

Conditions

12. I have imposed the statutory time limit condition and a condition listing the approved plans in the interests of certainty. As the materials to be used have not been specified on either the application forms or the plans, I have imposed a condition to ensure that the external materials match those of the existing dwelling (at the time of the extension) in the interests of good design and protecting the character and appearance of the area.

Conclusion

13. For the reasons given above and having regard to all matters raised I conclude that the appeal should be allowed.

Rachael Bartlett

INSPECTOR