The Planning Inspectorate

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: 4 January 2021

Appeal Ref: APP/U5930/D/20/3257196
50 Waverley Avenue, Chingford, London, E4 8HT

- 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 Reshma Mohoboob against the decision of London Borough of Waltham Forest Council.
- The application Ref 200894, dated 10 March 2020, was refused by notice dated 20 May 2020.
- The development proposed is a single storey rear conservatory.

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear conservatory at 50 Waverley Avenue, Chingford, London, E4 8HT, in accordance with the terms of the application, Ref 200894, dated 10 March 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: Site location plan, block plan, proposed floor plan, roof plan and rear elevation and proposed side elevations.

    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.

    4) All glazing in the side elevations of the development hereby permitted shall be obscure and shall be retained as such for the life of the development.

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 Nos. 48 and 52 Waverley Avenue with particular regard to loss of light, outlook and privacy.

Reasons

Character and appearance

3. The appeal site is located within a terrace of houses almost all of which appear to have single storey rear extensions of slightly varying scale and appearance.

The dwellings in this area benefit from long rear gardens, which are stepped down from the houses. Many of the houses have a raised balcony/terrace, with steps down into the garden and boundary fencing that steps down in height accordingly.

4. The host dwelling has an existing single storey flat roof extension across the rear, which projects 2.7m from the original rear elevation. Outside of that there is a balcony with steps down to the garden. The proposed lean to conservatory extension would project a further 3m into the rear garden. It would be slightly stepped down and would have no external veranda or balcony.

5. Whilst the external materials to be used for the walls of the conservatory are unclear from the submitted plans, it is my view that the general overall design of the proposal, which is a very common and popular style of rear conservatory, would relate well to the host dwelling and the character of the area. Due to the location of the extension, it would have no impact on the street scene and no traditional features would be lost. The scale of the development, which would project approximately 0.7m further out than the approved extension at No. 52, would not be excessively large or bulky in relation to the original dwelling or its surroundings.

6. I therefore find no conflict with key policy DM4 of the Waltham Forest Development Management Policies (2013), which is specific to residential extensions and alterations and seeks to ensure that such proposals relate well to the host building and character of the area. I also find no conflict with less relevant policies DM29 of the Waltham Forest Development Management Policies (2013) and CS15 of the Waltham Forest Core Strategy (2012), which require the design of new development to respond to local context and character. I have not been referred to any specific part of the Residential Extensions and Alterations Supplementary Planning Document (2010) (SPD), However, it appears to me the proposal would accord with the guidance set out in this document.

Living conditions

7. I observed on my site visit that the single storey lean to extension at No. 52 Waverley Avenue projects approximately 2.3m further out than the existing rear elevation at No. 50. No. 52 also has a raised terraced/balcony, which extends out approximately a further 2m, with a screen fence at balcony level and central steps. These developments have no adverse impact on the living conditions of occupants at No.50.

8. The proposed extension to No. 50 would project approximately 0.7m further out than that at No. 52 but would have no additional outdoor balcony. Only a very small part of the conservatory would be visible above the balcony fencing and any glazing to the side would be obscured.

9. The proposal would extend just over 3m beyond the rear of the conservatory at No. 48. The side elevation facing No. 48 would be a solid wall with obscure glazing above. As such there would be no loss of privacy. As the extension would be slightly stepped down from the existing one and would have a sloping, lean to, glazed roof, there would be no significant loss of light or outlook to No. 48.

10. The new steps down to the garden, unlike the current ones which are adjacent to the boundary with No. 48, would be located in the centre of the garden, away from the boundaries of the adjoining dwellings and would not result in any unacceptable level of overlooking. Due to the topography of the area raised terraces and steps down to the garden are common on all of the houses. As such neighbours are all able to see into each other's gardens from ground floor rooms, raised terraces/balconies and garden steps, as well as from first floor rear windows. The proposal would not increase this and would not create any overlooking into any habitable rooms. In fact the proposal would restrict the existing views into the conservatory at No. 48.

11. I therefore find no conflict with policies DM4 and DM32 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 Policies CS13 and CS15 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 in the interests of good design and protecting the character and appearance of the area. I have also imposed a condition to ensure the glazed sections of the side elevations are fitted with obscure glass and retained as such in the interests of privacy.

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