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## Appeal Decision

Site visit made on 7 December 2020

**by Martin Chandler BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 January 2021**

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### **Appeal Ref: APP/U5930/D/20/3258654 52 Browning Road, Leytonstone E11 3AR**

- 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 Mrs Donna Wilson against the decision of the Council of the London Borough of Waltham Forest.
  - The application Ref 200951, dated 16 December 2019, was refused by notice dated 30 July 2020.
  - The development proposed is extension of dwelling house to side and dormer at roof level, replacement windows and roof covering.
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### **Decision**

1. The appeal is dismissed insofar as it relates to the dormer window to the rear of the property.
2. The appeal is allowed insofar as it relates to the side extension and planning permission is granted for the extension of dwelling house to side, replacement windows and roof covering, at 52 Browning Road, Leytonstone E11 3AR, in accordance with the terms of application, Ref: 200951, dated 16 December 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

### **Main Issue**

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Browning Road Conservation Area.

### **Reasons**

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The appeal site is located within the Browning Road Conservation Area (CA). It is a detached cottage with space about it, set at the end of a short cul-de-sac of cottages. The significance of the CA derives from a collection of modest 19<sup>th</sup> century cottages which have a somewhat informal relationship with the principal road. Due to its siting, perpendicular to the terraced cottages, the appeal site contributes to the informal layout of the area in a positive manner.
6. The proposal would seek to extend the dwelling to the side, replacing a single storey lean-to structure with a slightly wider two storey addition. The side extension would not be set back from the front of the existing cottage, and

instead it would continue the eaves and ridge height of the property. In doing this, it would create a double fronted property with a central front door. Despite this, the proportions, materials and general appearance of the extension would be entirely complementary to the existing building, indeed the introduction of natural slate onto the roof would represent an important benefit of the proposal. In addition, the building would continue to have space about it and its relationship with the adjacent terrace and existing road would not fundamentally alter.

7. As a consequence, I conclude that the proposed side extension would preserve and enhance the character and appearance of the CA. It would therefore accord with Policies CS2, CS12 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) (CS), DM4, DM28 and DM29 of the Waltham Forest Local Plan Development Management Policies (2013) and guidance contained within the Residential Extensions and Alterations Supplementary Planning Document (2010). Taken together, these seek amongst other things, a high standard of architectural design, which relates to the host building and preserves or enhances the character and appearance of the area.
8. However, the proposed dormer window would seek to extend across a significant proportion of the widened house. It would therefore be a wide and dominant addition to the roof. The rear elevation is highly visible due to the presence of allotments to the rear of the site. Although views of the dormer window would not be from within the CA itself, they do represent views into the CA and therefore its character and appearance continue to be relevant considerations.
9. The design of the dormer window would indicate a modern and interesting addition to the roof. However, despite this considered design, due to its width, the dormer window would dominate the roof of the enlarged building. It would therefore compromise its pleasant cottage proportions which the side extension would respect. Accordingly, I conclude that the proposed roof alteration would represent a prominent addition that would harm the character and appearance of the CA. The level of harm would be less than substantial and therefore, in accordance with Paragraph 195 of the National Planning Policy Framework (the Framework), the harm should be weighed against the public benefits of the proposal. On this basis, the proposal would provide the appellant with an enlarged living space, however, this is primarily a private benefit and therefore I attach limited weight to this matter.
10. The use of natural slate would be a public benefit to which I attach moderate weight. However, paragraph 193 of the Framework confirms that great weight should be given to the conservation of the CA. Accordingly, I am satisfied that the benefits of the proposal would not outweigh the harm that I have identified. As a consequence, I conclude that the proposed dormer window would harm the character and appearance of the CA. It would therefore fail to comply with the Policies identified above.

### **Conditions**

11. In light of my findings, conditions are necessary in the interests of precision and clarity to establish the time limit for commencing development as well as the approved drawing numbers. In addition, to ensure the proposal fulfils its requirements in relation to the CA, a condition regarding materials is necessary. Finally, due to the presence of a protected tree on the appeal site

and the nature of the development permitted, a condition is necessary in relation to tree protection.

### **Conclusion**

12. For the reasons set out above, the appeal is allowed insofar as it relates to the proposed side extension, and replacement windows and roof covering.
13. In relation to the dormer window to the rear, the appeal is dismissed.

*Martin Chandler*

INSPECTOR

### SCHEDULE OF CONDITIONS

- 1) The development hereby permitted, insofar as it relates to the side extension, replacement windows and roof covering, 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, insofar as they relate to the side extension, replacement windows and roof covering: HM 052 A000; HM052 A005; HM 052 A006; HM 052 A007; HM 052 A012 REV 1; HM 052 A013; HM 052 A014 REV1; HM 052 A015; HM 052 A019; HM 052 A020 REV1; HM 052 A021; and HM 052 A022.
- 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) Prior to the commencement of any earthworks, site preparation works and development onsite, an Arboricultural Method Statement (AMS) prepared by a suitably qualified arborist in accordance with BS 3998:2010 shall be submitted to and approved by the Local Authority. The AMS shall provide for the following and the development shall be implemented in accordance with details set out within it:
  - A Tree Constraints Plan (TPP) identifying the RPA of trees to be retained and which may be affected by the proposed development works (in particular Beech T1 of 30/04 referred to as T1 in the report) to be set out.
  - Assess any proposed work within the RPA including demolition excavation or proposed construction within the RPA (including patios or driveways) of this or any other tree subject to the report which may be negatively affected by either excavation, demolition or construction works, including storage of materials etc.