



Appeal Decision

Site Visit made on 26 January 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

APP/U5930/D/20/3264343

62 Upper Walthamstow Road, London E17 8QQ

- 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 Gareth Shackleton against the decision of Waltham Forest London Borough Council.
 - The application Ref 202356, dated 6 August 2020, was refused by notice dated 19 October 2020.
 - The development proposed is described as "The demolition of two existing ad-hoc side and rear extensions, and excavation of a new full height basement in the zone of the main house. The erection of a side and rear extension with large format sliding doors, one flat and one feature eaves skylight situated within a flat wildflower green roof. The conversion of a loft space with the addition of a single dormer above the main roof and a single dormer style open air terrace above the outrigger and upgrading and reconditioning works to the existing fenestration. The new proposed extensions and dormer are to be clad in mirror cladding panels and the glazing within will be PC aluminium minimal frame door and window systems".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

3. 62 Upper Walthamstow Road is a two storey semi-detached house, with a basement and accommodation in the roof, in an established residential area within which lie detached and semi-detached two-storey dwellings of varying design using traditional materials. Several of the buildings fronting Upper Walthamstow Road in the vicinity of the site have been altered, and the main roofs incorporate skylights and rear dormers. Overall, however, the buildings retain many of their original design features and materials.
4. No 62 has a two storey outrigger projecting to the rear. The outrigger has a single storey ground floor extension with a pitched roof projecting from the rear elevation and a single storey extension with a flat roof projecting from the flank elevation. The flat roof acts as a terrace and has external steps which lead to the rear garden.
5. At the end of the rear garden lie two brick-built, conjoined single storey outbuildings, one with a tiled, pitched roof, and one with a flat roof. These buildings extend to the boundaries of No 62.

6. The gardens to the rear of the properties fronting Upper Walthamstow Road have mature planting and, whilst there are several outbuildings within these gardens, those that I observed during my site visit are generally of a modest scale. They maintain a sense of openness and verdancy which contributes positively to the character of the area. The garden to the rear of No 62 backs onto the Greenway Avenue Community Garden, reinforcing the natural, green appearance of the immediate environment.
7. The proposal would demolish the existing side and rear extensions. The existing basement would be extended beneath the original building footprint and a rear lightwell provided. A dormer roof extension would be added to the rear roof and above part of the two storey outrigger to create an open air roof terrace. Two roof lights would be installed in the front and rear roofs. The rear and side extensions would be replaced by an extension wrapping around the rear outrigger. The existing windows of the house would be altered and replaced and the tiles on the front and rear roof would be replaced with slate. The extensions would be finished externally in mirror finish cladding.
8. There is no dispute between the parties in relation to the enlargement of the basement, replacement of the roof slope finishes, the replacement of the side gate, the installation of a rooflight in the rear roof slope, and the general changes to the fenestration other than the proposed rooflight in the front roof slope. Thus, the contentious elements of the proposal are the ground floor wrap around extension and its associated pergola, dormer roof extension and terrace and the replacement rooflight on the front face of the roof.
9. The ground floor wraparound extension would project approximately 4.9 metres beyond the existing two storey outrigger element of No 62 on its common boundary with 60 Upper Walthamstow Road, to a position roughly coinciding with the extent of the existing rear extension. The overall scale of this element of the proposal would have a similar appearance to that of the existing extensions and, taken in isolation, being stepped down in height from the outrigger would, despite its scale, appear subsidiary to the form of the original dwelling. However, beyond this a steel pergola is proposed. The members forming the pergola would be large and whilst open it would nevertheless have a substantial physical appearance, visually enlarging the massing of the proposal. Further, the modern design of the proposal would be at odds with the traditional design and detailing of the house and those of its neighbours. Given the scale of the proposal, it would be prominent and noticeable from the rear windows of neighbouring dwellings and gardens.
10. The proposed open air terrace would be enclosed by a wall of substantial height. The scale of the dormer, together with the large angular structure of the wall enclosing the terrace would dominate the rear of the host dwelling. Together these would present an incongruous feature and this would be prominent and noticeable from the rear windows and gardens of dwellings in the vicinity and to a more limited degree, the street. The mirror finish cladding would be an eye-catching feature and exacerbate the prominence of the proposed structure.
11. The proposal would replace an existing skylight in the front roof slope with a larger one. Several of the nearby houses have skylights within their roof slopes. However, these are generally of modest size when compared to the scale of the roof. The proposed skylight would occupy a significantly greater

proportion of the roof and, by virtue of its size, would be a more prominent feature than that which exists and would be out-of-keeping with the proportions of similar features in nearby roofs.

12. Bringing these matters together, the proposal would add bulky extensions to the rear of the property which would dominate and overwhelm the form of the existing building. The modern design and materials of these additions would be out-of-keeping with the natural, verdant environment of the garden setting and the more traditional appearance of the design features and materials predominant in the area. The proposed cladding and would, of itself, attract attention and be an alien feature in this environment. Overall the proposal would neither harmonise nor contrast successfully with the character and appearance of the surrounding area and the resultant incongruity in design and materials of the proposal would amount to significant harm to the character and appearance of the site and the surrounding area.
13. The appellants have proposed the use of an appropriate planning condition to control materials used to finish the building, specifically the cladding. Such a condition would not address my concerns regarding the scale and massing of the building. Therefore such a condition would not make the proposal acceptable.
14. I therefore find that the proposal would result in significant harm to the character and appearance of the site and the surrounding area and would be contrary to Policy 7.6 of the London Plan, Policy CS15 of the Waltham Forest Core Strategy -2012- (the Core Strategy) and Policies DM4 and DM29 of the London Borough of Waltham Forest Local Plan Development Management Policies -2013- (the DMP). This is because the policies require, amongst other things, that new development should respond positively to the local context and character, relate to the original 'host' building and respect the street scene and character of the area.
15. For similar reasons the proposal would also be contrary to the aims of the Waltham Forest Residential Extensions and Alterations Supplementary Planning Document -2010- (the E&ASPD) and Waltham Forest Urban Design Supplementary Planning Document -2010- (the UDSPD), which provide guidance on how to deliver the aims of the policies within the development plan.
16. Whilst referenced in the Decision Notice I do not find Policy CS2 of the Core Strategy, which relates to the provision of new homes or Policy DM32, which relates to protecting residential amenity, particularly relevant to the proposal.

Other Matters

17. My attention has been drawn to an appeal decision on 66 Upper Walthamstow Road¹. I have considered this appeal on its own merits, nonetheless I note that in that case the Inspector found a rear extension of comparable scale acceptable on a similar dwelling and I have drawn a similar conclusion in respect of the single storey element in this case, albeit that other considerations, including the proposed materials, have lead me to a different overall conclusion.

¹ PINS Ref: APP/U/5930/D/19/3232143

18. I have also been referred to developments using mirror cladding. Whilst I accept that, in some locations, the use of such materials has proven acceptable, I have determined this appeal on its own merits and with regard to the particular site context.
19. The appellants suggest that the existing ground floor extensions could be refurbished and that this is a realistic fallback position. They further suggest that replacement is more cost and time-effective than refurbishment.
20. The existing extensions are predominantly constructed of traditional materials and I have no substantive evidence before me to demonstrate that their scale and design, even following a refurbishment, would result in comparable, or greater, harm to the character or appearance of the site and the immediate area than that which I have identified above. Further the refurbishment would not have the cumulative impact of the totality of the proposal on the property. The appellants consider that the existing extensions are unsightly and of poor design. They are somewhat dilapidated, and the side extension is unsympathetic to the design of the original house. However, this must be considered against any harm that would result from their replacement by the proposal scheme. There is no substantive evidence before me to demonstrate that the refurbishment works would be unviable in terms of cost or time and so I give this argument little weight.
21. The appellant argues that a roof extension of similar size and massing would fulfil most of the tests for such permitted development. However they identify that the proposal breaches some of these. These breaches are, however, significant of themselves, particularly in regard to the materials proposed which, as will be seen above do not match those of the existing roof and result in harm to the character and appearance of the site and the area.
22. I do not, therefore, consider that such fallback options would outweigh the significant harm that I have identified above.
23. It is argued that the skylight on the front face of the main roof could be replaced as permitted development. However it forms of the submission made to the Council and I have determined this appeal on that basis.
24. The appellant considers that the buildings need refurbishment to provide a family home. However, there is little substantive evidence before me that this could not be provided by an alternative development that would not result in the harm that I have identified to the character and appearance of the site and the immediate area.
25. The proposal would have benefits in reinstating a blocked up window, thus restoring an original element of the house, and I note that the Council has indicated support of this aspect of the proposal. Further, the proposal would remove an existing, more visible terrace, which, because of its position has views over the adjacent garden at 64 Upper Walthamstow Road. These would provide limited benefits which would not outweigh the harm that I have found.

Conclusion

26. The proposed development would be contrary to the development plan and my conclusions in relation to the other considerations do not outweigh the harm which I have found. Accordingly, for the reasons given, the appeal fails.

I Dyer

INSPECTOR