



Appeal Decision

Site visit made on 15 February 2021

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/U5930/D/20/3263734

94 Dawlish Road, Leyton E10 6QW

- 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 and Mrs Chris and Alex Bruce against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 202186, dated 21 July 2020, was refused by notice dated 22 October 2020.
 - The development proposed is a full width extension to the rear of the ground floor, a half width extension to the rear at first floor, a dormer roof extension, and skylights on the roof to the front of the property.
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Decision

1. The appeal is allowed and planning permission is granted for a full width extension to the rear of the ground floor, a half width extension to the rear at first floor, a dormer roof extension, and skylights on the roof to the front of the property at 94 Dawlish Road, Leyton E10 6QW in accordance with the terms of the application, Ref 202186, dated 21 July 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 'Rev P2' plans: 1008-DR-A-020, 1008-DR-A-021, 1008-DR-A-100, 1008-DR-A-110, 1008-DR-A-120, 1008-DR-A-300, 1008-DR-A-310, 1008-DR-A-320, 1008-DR-A-200, 1008-DR-A-130, 1008-DR-A-140, 1008-DR-A-150, 1008-DR-A-160, 1008-DR-A-330, 1008-DR-A-340, 1008-DR-A-350, and 1008-DR-A-210.
 - 3) The materials to be used in the construction of the external surfaces of the development shall be as set out in the approved drawings and the application form.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the area; and
 - the living conditions of neighbouring occupiers, with particular regard to outlook and the availability of light at 92 and 96 Dawlish Road.

Reasons

Character and appearance

3. The host ('No 94') sits at the end of a short two storey terrace of properties, all of which retain a pitched roof, single storey rear outrigger. However, the adjacent row comprising 96 Dawlish Road ('No 96'), and 96A and 96B contain a mix of single and two storey rear projections of varied height, along with a large rectilinear dormer window. As evidenced in the photographs at paragraphs 5.8 to 5.15 of the appellants' grounds of appeal, there are also other upper floor rear extensions and dormers of varied design nearby.
4. Given that No 94 is at the end of a very short terrace, with fairly eclectic development in the adjacent row, its proposed rear extensions would not stand out as incongruous, or out of scale.
5. Moreover, whilst much taller than the single storey rear projection at 92 Dawlish Road ('No 92'), the proposed first floor extension would have a broadly similar width, form and roof angle. Consequently, it would not significantly unbalance the appearance of these two properties, or this terrace; and the host's original form would still be broadly legible.
6. Given the site's context, I have no reason to disagree with the view expressed in the Council's delegated report that the proposed dormer roof extension would not be an overly dominant addition.
7. Amongst other things, Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 ('WFCS') and Policies DM4 and DM29 of the Waltham Forest Development Management Policies Local Plan 2013 ('WFDMP') require new development to be of the highest quality architecture which responds positively to local context and character, and require extensions to relate to the original host property. For the above reasons, the scheme would not conflict with that approach.
8. The Council's reason for refusal on this issue also refers to its Residential Extensions and Alterations Supplementary Planning Document 2010 ('SPD'). However, neither it, nor the relevant section of the delegated report, elaborates on which part of the SPD would be contravened. Consequently, it is in the issue below that I have considered the scheme against that extract of the SPD I have been provided with, which addresses impacts on neighbours' amenities.

Living conditions

9. The SPD sets out at page 40 that the Council will use a '45 degree rule' as a 'guide' in determining the acceptability of proposals. In this case, the first floor rear extension would breach that rule when measured from No 92's rear first floor habitable room window.
10. However, the proposed first floor rear extension would have a fairly modest height which would be only just above the building's eaves line at the party boundary. Additionally, that window at No 92 is set well away from the boundary and its principal outlook is down that property's own rear garden. Viewed from that window, the proposed first floor extension would be off-set some distance to the side. The scheme would not therefore significantly harm the outlook from that room.

11. Turning to No 96, two small ground floor windows face sideways from that property towards No 94 across a narrow passageway. However, the outlook from, and the availability of light to, those windows is partially restricted by the wall and trellis on the boundary, and by No 94's existing outrigger.
12. Whilst the proposed single storey extension would extend along the boundary for a distance measured by the Council at nearly 9 metres, its roof would slope down towards No 96, and its eaves height would be fairly low. Consequently, the scheme would not give rise to a significant sense of enclosure or loss of light within that property.
13. For the above reasons, the scheme would not impact the living conditions in the neighbouring properties to a harmful degree. Whilst it would not comply with the SPD's 45 degree rule, it would not conflict with those parts of WFCS Policies CS2 and CS13, and WFDMP Policies DM4 and DM32 which, in general terms, aim to provide decent homes that people want to live in; and ensure that nearby properties do not suffer from an excessive loss of residential amenity, having regard to matters including maintenance of light and outlook.

Conditions and Conclusion

14. Turning to the matter of conditions, I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
15. Those plans, along with the application form, detail the proposed facing materials – some of which differ from the existing building. As the proposed dark grey slate tiles and London stock brick would reflect the area's character, I have amended the Council's suggested 'matching materials' condition accordingly.
16. The Council has also suggested a condition requiring that the two bathroom windows be obscurely glazed. However, given the use of those rooms, and that any outlook from them would be similar to the outlook from many other nearby upper floor rear windows, that condition is not necessary to protect the privacy of adjoining properties.
17. For the above reasons, I conclude that the scheme would respect the character and appearance of the host property, the terrace and the area; and that it would not impact the living conditions of adjoining occupiers to a harmful degree. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR