



Appeal Decision

Site visit made on 12 January 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2021

Appeal Ref: APP/U5930/D/20/3254970

39 Eglington Road, Chingford, London, E4 7AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Sean Davies against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 200926, dated 12 March 2020, was refused by notice dated 9 April 2020.
 - The development proposed is described as 'demolition of an existing w/c and single storey building element with a flat roof and the erection of a new single storey extension with a flat roof extending into the garden by 5.0m and max 3.0m high.'
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main issue

4. The main issue in this appeal is therefore the impact of the proposed development on the amenity of the adjoining property at no 37 Eglington Road with regard to sunlight and outlook.

Reasons

5. The development plan includes policies DM4 and DM32 in the Waltham Forest Local Plan Development Management Policies Local Plan (2013) which seek to protect nearby properties from any significant loss of outlook and residential amenity. Contrary to the appellant's claim, policy DM32 is relevant and refers to extensions to existing homes.
6. 39 Eglington Road is a large semi-detached dwelling built around 1900. The proposed extension would extend across the full width of the rear elevation of

- the dwelling. It would replace a smaller, existing extension some 2.8m deep which abuts the side boundary, has a parapet wall some 3.8m high and would be demolished. The proposed extension would project 5m into the rear garden and would have a flat roof with a height of 3m.
7. The adjoining semi-detached dwelling at no 37 has an L-shaped single storey extension which projects from the part of the rear elevation furthest away from the appeal site. It also has a small projection on the part of the rear elevation closest to the appeal site which abuts the side boundary and has a window facing the garden. A 2m high fence runs along the boundary which is covered with evergreen planting on the section closest to the dwellings.
 8. It is clear to me from what I saw at my visit and from the appellant's evidence that as the rear elevations of the dwellings face north-west and the proposed extension would be to the north of the dwelling at no 37, there would be no significant loss of sunlight to no 37 from the proposed extension.
 9. However, with regard to outlook, although the existing high parapet wall would be removed, that does not project significantly beyond no 37. Given the proximity of the closest window at no 37 and the additional extent of the proposed projection and its height, the proposal would only be partially screened by the side boundary and would appear unduly overbearing when seen from that window. As the window appears to be the principal window to a habitable room, it would unacceptably harm the outlook from there.
 10. I have noted that the property on the other side of the appeal site at no 41 has a full width rear extension which the appellant says was granted permission in 2004. Although it projects 5m beyond the appeal dwelling there is greater separation between the two dwellings than is the case with no 37. The appellant says that its relationship with its adjoining neighbour at no 43 is similar to that proposed in this scheme but I have insufficient information regarding that extension and the windows in the neighbouring property to draw a direct comparison that would be sufficient to alter my findings on this proposal. The outbuilding at no 37 has little relevance to this proposal as it is sited at the end of the garden and has a very different relationship with neighbouring properties.
 11. I disagree with the appellant that the proposal accords with the Council's Residential Extensions and Alterations SPD. Whilst it may fulfil some of the criteria in that document, page 35 clearly states that *'The Council will also consider your neighbours' outlook and whether your proposed extension may have an overbearing impact on their property.'*
 12. I conclude therefore that the proposal would cause significant harm to the residential amenity of no 37 and the proposal would be contrary to the development plan policies referred to earlier and to the Council's SPD. There are no material considerations that are sufficient to outweigh that harm and the appeal is dismissed.

Sarah Colebourne

Inspector