The Planning Inspectorate

Appeal Decision

Site visit made on 16 March 2021

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/U5930/D/20/3259745
13 Waterhall Avenue, Chingford, London E4 6NB

- 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 Markham against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 202206, dated 19 June 2020, was refused by notice dated 15 September 2020.
- The development proposed is a single storey double glazed UPVC conservatory with a high performance glass roof.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 15 with particular regard to outlook and natural light.

Reasons

3. The appeal property is a semi-detached two storey dwelling with a single storey rear extension. The proposed conservatory would fill the space between the side wall of the extension and the common boundary with No 15. It would project 4m from the rear wall of the dwelling and the flank wall facing the boundary with No 15 would be brickwork with clerestory windows above. The Council gives the height of this wall as 2.65m and this has not been disputed by the appellant.

4. In the rear wall of No 15 is a patio door with glazing above which is positioned fairly close to the common boundary. Having regard to the length and height of the proposed conservatory and its proximity to the neighbouring patio doors, notwithstanding the clerestory windows, it would have an imposing effect on the outlook of the occupiers of No 15. I also noted on the site visit that the garden of No 15 is relatively narrow due to the position of its detached garden to the rear of the dwelling. The proposed conservatory would also have an imposing effect on this narrow external space. The conservatory would be positioned to the north of No 15 and, therefore, it would have a limited effect on the level of natural light reaching that property.

5. Nevertheless, overall, I find that the proposal would have a harmful effect on the living conditions of the occupiers of No 15 by reason of loss of outlook. As such, it would conflict with Policy CS15 of the Adopted Waltham Forest Local

Plan Core Strategy (2012) and Policies DM4, DM29 and DM32 of the Adopted Waltham Forest Local Plan Development Management Policies (2013). Together, these policies require proposals for residential extensions to achieve a high standard of design, including protecting the outlook of the homes and gardens of nearby occupiers. Nor would the proposal accord with the Council's Residential Extensions and Alterations Supplementary Planning Document (2010) insofar as it has similar aims.

Other Matters

6. The appellant has referred to rear extensions to dwellings at 7, 10 and 12 Waterhall Avenue and 63 Melford Road. However, no drawings, limited details, and no information on the circumstances of the approval of these schemes has been provided. Moreover, each planning application and appeal must be considered on its own merits. The existence of a scheme elsewhere which may potentially cause harm does not provide a robust justification for the appeal proposal.

Conclusion

7. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR