



Appeal Decision

Site visit made on 22 January 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021.

Appeal Ref: APP/U5930/D/20/3260792
48 Castle Avenue, London E4 9QD

- 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 S Hossein against the decision of the London Borough of Waltham Forest Council.
 - The application Ref 202014, dated 5 July 2020, was refused by notice dated 8 September 2020.
 - The development proposed is Construction of a single storey rear extension and conversion of the existing side garage into a habitable room along with the installation of replacement front entrance doors.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of the development from "single storey rear extension and garage conversion" to "Construction of a single storey rear extension and conversion of the existing side garage into a habitable room along with the installation of replacement front entrance doors." This is also the description used by the appellant on the appeal form. I consider this to be a more detailed description of the appeal proposals and I have therefore considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (i) The character and appearance of the host dwelling and the immediate area;
 - (ii) Whether the proposed development would provide acceptable living conditions for occupiers of the proposed development with regard to amenity space provision and;
 - (iii) The effect of the proposal on the living conditions of the occupiers of 46 Castle Avenue with particular regard to light and outlook.

Reasons

Character and appearance

4. The appeal site is a detached red brick and pantile roofed dwelling set on a corner plot alongside Falmouth Avenue and Castle Avenue. The elevation facing Castle Avenue provides access to the garage and off-street parking. The neighbouring property, number 46 Castle Avenue to the west is of similar construction and materials and forms part of a short terrace of properties.
5. The elevation facing Falmouth Avenue has the front door and pedestrian access also with a dropped kerb access to the driveway. The rear garden runs to the south of the property, along Falmouth Avenue, with the rear elevation of the appeal property facing the side elevation of number 10 Falmouth Avenue. No. 10 is set back from the road, and has a covered car port area along the boundary with the appeal site.
6. The appeal before me would provide a single storey, flat-roofed rear extension to the existing outrigger which has a catslide roof. The proposals would also convert the garage to living space, providing glazed doors in place of the existing garage door. The proposed conversion of the garage and the alterations to the opening would not harm the overall character of the host dwelling nor the character or appearance of the local area.
7. The proposed rear extension would take into account different ground levels at the site, and would remain at a lower height than the existing outrigger. The proposal is to be constructed of brickwork to match the existing and I consider that the proposal would not cause any harm to the existing dwelling. The proposed extension may be glimpsed from Falmouth Avenue, however due to the limited height of the extension and the slightly lower level of the road, there would be no inherent harm to the character and appearance of the local area.
8. Policy CS15 of the Core Strategy¹ requires new development to (among other things) ensure the highest quality architecture and design, respond to local context and character and take account of the existing local distinctiveness and spatial context. Policy DM4 of the Local Plan² sets out guidance for residential extensions and alterations, expecting development to relate to the original building and to respect the streetscene and character of the area. Policy DM29 also expects a high standard of urban and architectural design, setting out a number of criteria to guide development to achieve this.
9. I have also taken note of the guidance in the Residential Extensions and Alterations SPD³ which says that extensions should only be up to 3m however this relates more to the impact to neighbouring occupiers and so I consider this in the following discussion. Nonetheless, whilst there is an increase in proposed development, which would result in a total rear extension of 7.5m, the proposed development would remain subservient to the existing.
10. Therefore, I consider that the proposals would not harm the character and appearance of the local area nor the host dwelling, and as such would accord with policies DM4 and DM29 of the Local Plan and Policy CS15 of the Core

¹ Waltham Forest Local Plan - Core Strategy (Adopted March 2012)

² London Borough of Waltham Forest Development Management Policies Local Plan (Adopted October 2013)

³ Residential Extensions and Alteration Supplementary Planning Document (Adopted February 2010)

Strategy and the Council's SPD. The proposals would therefore accord with the National Planning Policy Framework (the Framework) which requires, at paragraph 127, development to be visually attractive and sympathetic to local character to create high quality buildings and spaces. It would also comply with policies 7.4 and 7.6 of The London Plan 2016 which guides the policy for the Local Plan.

Living Conditions – occupiers of appeal property

11. The development would use up part of the existing rear garden space associated with the host dwelling. The Council confirms that the resultant garden would be approximately 67 square metres (sqm) once the extension is developed; this would be below the suggested 80sqm as set out in the Urban Design SPD⁴. Although the SPD is primarily aimed at new dwellings and developments, nonetheless it provides guidance for suitable amenity space provision.
12. Whilst the property would still benefit from a front garden, albeit currently used as a driveway, and a private rear garden, I consider that the loss of the additional garden space would be inadequate and far less than is reasonable for a family sized dwelling. Whilst I acknowledge that the appellant has stated that the garden space is sufficient for their needs, this does not sufficiently mitigate against the loss of amenity to future occupiers.
13. Taking these matters into account, I therefore conclude that inadequate amenity space would be the result of the erosion of gardens space available. This would unacceptably harm living conditions, contrary to Policy CS13 of the Local Plan which requires new development to ensure healthy and sustainable places, including amongst other things, ensuring satisfactory amenity for future occupiers.

Living Conditions – neighbouring property

14. The appeal site is located to the east of no. 46 Castle Avenue, an end of terrace property which is set behind the rear flank wall of the appeal site and the neighbour to the other side at number 44. No. 46 also faces no. 10 Falmouth Avenue, which has its two storey gable end wall located across the rear boundary to that garden.
15. I noted at my site visit that the existing rear extension to the appeal site creates a boundary with no. 46. I consider that the proposed development, combined with the existing enclosure experienced by no. 10 as a result of neighbouring walls, would result in an unacceptable overbearing element to the occupants of that property and would create an oppressive outlook and an unneighbourly sense of enclosure and as such a harmful effect on the living conditions of the occupiers of no. 46. I note that the appellant asserts that no. 46 benefits from a southerly outlook and a direct and unimpeded outlook down their own garden. Whilst I do not disagree that the garden would not be overlooked, this would not sufficiently mitigate for the unacceptable sense of enclosure.
16. I was also able to see that there is planting along the boundary, however I am not aware that this planting is protected or would be retained in perpetuity. Whilst I accept that the extension would be set lower than the existing

⁴ Urban Design Supplementary Planning Document (adopted February 2010)

outrigger element of the host dwelling, and would be provided with a flat roof, the development would result in a solid wall along the full extent of the boundary with no.46 and I do not consider this would sufficiently mitigate for the overbearing and enclosing impact of the proposed development.

17. The development would therefore conflict with Policy CS13 of the Core Strategy, Policies DM4 and DM32 of the Local Plan and the Guidance under the SPD. These, amongst other things, seek to ensure developments protect occupiers of neighbouring properties from loss of residential amenity do not cause unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight or sunlight or result in an unneighbourly sense of enclosure.

Conclusion

18. The appeal proposal would not harm the character or appearance of the host dwelling and the immediate area. However, it would have a detrimental effect on the living conditions of the occupiers of no. 46 Castle Avenue and occupiers of the host property, both of which outweighs the lack of harm found on the issue of character and appearance. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR