



Appeal Decision

Site visit made on 22 January 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021.

Appeal Ref: APP/U5930/D/20/3261694
18 Cambridge Road, London E4 7BP

- 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 Marjan Keqaj against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 202534, dated 20 August 2020, was refused by notice dated 9 October 2020.
 - The development proposed is rear and first floor extension and loft conversion to a single dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development as stated on the application form is set out above. The Council, on the decision notice, has described the development as "Construction of a rear ground and first floor extension and construction of a rear dormer roof extension." This more accurately describes the proposals as shown on the plans and I have 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 and;
 - (ii) The effect of the proposal on the living conditions of the occupiers of 16 and 20 Cambridge Road with particular regard to light and outlook.

Reasons

Character and appearance

4. The appeal site is a mid-terrace two storey dwelling with bay window features to both the front and rear elevations. The property is the penultimate dwelling along Cambridge Road where it meets Shaftesbury Road, with the neighbour no. 20 being a corner plot. Dwellings here are arranged as a regular block, with houses fronting the road and gardens extending to the rear. Moving along Shaftesbury Road, the rear of dwellings along Cambridge Road and Richmond

Road are visible throughout this block. The appearance of dwellings on this block is relatively uniform, with terraces of houses displaying similar characteristics, such as hipped gabled roofs and bay windows. At the time of my site visit I was also able to see a number of alterations to the rear of properties and these appeared to be primarily single storey extensions and roof extensions.

5. The proposed development would introduce three elements of extension to the rear of the existing property, namely a ground floor extension which would be flat roofed, a first floor extension with a pitch to the roof and an extension to the roof providing a dormer window extension which would also be flat-roofed. I consider that the introduction of the development would introduce a dominant and unacceptable dominant addition to the existing property and would result in the harm to the character of the property as a whole. The building is visible from the street and the proposed development would not be in keeping with the character and appearance of the area.
6. Whilst I was able to see other extensions to nearby dwellings, these tend to be restricted to dormer windows only, or extensions to the ground floor rear elevation only. This is in stark contrast to the proposed development which would result in three elements of extension which would create a significant and dominant addition which is harmful to the character and appearance of the host dwelling and local area.
7. Policy CS15 of the Core Strategy¹ requires new development to (amongst 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.
8. Therefore, I find the proposals would harm the character and appearance of the host dwelling and local area, and as such would not accord with policies DM4 and DM29 of the Local Plan and Policy CS15 of the Core Strategy and the Council's SPD. The proposals would thus conflict 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 conflict with policies 7.4 and 7.6 of The London Plan 2016 which guides the policy for the Local Plan.

Living Conditions

9. The appeal site is located between numbers 16 and 20 Cambridge Road. Both neighbouring properties have the characteristic bay window arrangements, with no. 16 also having a small lean-to conservatory extension to the ground floor. No. 20 does not have any extensions to its rear elevation.
10. The development would extend to a depth of 4m and a width across the full extent of the rear elevation of the host dwelling, thus the side walls of the development would form part of the boundary with both neighbouring properties. The proposed extension would create a solid flanking wall along

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

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

both boundaries and would protrude beyond the existing rear elevation of no. 20 and that of the first floor of no. 16. Whilst I acknowledge that the development would be staggered in depth I consider that the overall height and built form would create an oppressive and dominant effect to the living conditions of both properties and would cause harm to living conditions by way of harm to outlook from unneighbourly dominance arising from the development. In the same way, I consider that the height and depth of the proposed development would reduce the amount of daylight available to the neighbouring properties by way of overshadowing to their rear windows, thus causing significant harm to the living conditions of the occupiers of no's 16 and 20 Cambridge Road.

11. I have had regard to the council's Supplementary Planning Document³ (SPD) which says that there is a general rule that extensions to the rear of a house should be up to 3m as anything that is longer is likely to be too overbearing for neighbours. The SPD acknowledges that this depends on the arrangements on the site and neighbouring dwellings. The extension of 4m from the rear of the host dwelling would conflict with the guidance in the SPD. I consider that this depth, and the overall dominance of the development, combined with the proximity to, and the relationship between the neighbouring properties would result in an unacceptable impact by way of loss of daylight and sunlight and overshadowing
12. For these reasons I conclude that the proposed development would cause harm to the living conditions of neighbouring properties by way of an oppressive outlook and an unneighbourly sense of enclosure and overshadowing to the properties at no.16 and no.20. 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.

Other matters

13. The appellant has referred to their permitted development rights, stating that "The proposal falls predominantly within Permitted Development Rights". Nonetheless, the appellant also acknowledges that the first floor extension does not fall within Permitted Development Rights. From the plans before me, It appears that this extension is integral the loft extension element and as such this element would not be capable of being constructed without the first floor extension. Therefore, this is a matter that I afford little weight.
14. The appellant raises concern that the Council's refusal notice is "not site specific" however the notice is clear to which site and planning application it relates. The documents provided to me clearly state the key issues as discuss above.
15. I appreciate that there are extensions to dwellings along Cambridge Road and on the block as a whole, and these have already been discussed in my considerations above and I do not consider these directly relate to the appeal proposals. I am not aware of the particular circumstances in those cases and I

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

must consider the appeal scheme on its own merits. The existence of other extensions in the local area does not justify the harm I have identified, nor does the absence of any objection from neighbours or the benefits of providing an overall improvement to a family dwelling house.

16. The applicant has raised concerns that there was a lack of engagement during the determination of the planning application. The National Planning Policy Framework stresses the benefits of early engagement. Whilst it is unfortunate that the appellant finds that there was a lack of engagement, at appeal the proposal is considered afresh and this alone does not warrant allowing the appeal.

Conclusion

17. The appeal proposal would cause harm to the character and appearance of the host dwelling and the immediate area. It would also have a detrimental effect on the living conditions of the occupiers of no's. 16 and 20 Cambridge Road by way of unacceptable overbearing and loss of daylight and sunlight. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR