



Appeal Decision

Site visit made on 22 January 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2021.

Appeal Ref: APP/U5930/D/20/3260599
56 Nevin Drive, Chingford E4 7LJ

- 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 Mansoor Chowdhury against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 202060, dated 10 July 2020, was refused by notice dated 11 September 2020.
 - The development proposed is construction of single storey rear infill extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of the development from "part rear side extension" to "construction of single storey rear infill extension." This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the appeal proposals and I have therefore considered the appeal on this basis.

Main Issues

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of no. 58 Nevin Drive with particular regard to light and outlook.

Reasons

4. The appeal site is a semi-detached dwelling which has been altered to provide an additional two storey extension to the side and a single storey rear extension. The proposed development would extend the existing rear extension across the full extent of the rear elevation of the property. This would include amendments to the existing hipped roof with the apex of moving slightly to accommodate the heights of the proposed development and to match the existing heights. The apex would sit just below the lower sill of the first floor window, as it does currently.
5. The neighbour, no. 58 Nevin Drive is separated from the appeal dwelling via a passageway measuring 0.48m wide. No.58 has a window at ground floor closest to the appeal site. There is a close board fence on the boundary. The development would have an eaves height of 3m, however the additional height

and depth would create a solid flanking wall and would protrude beyond the existing rear elevation of no.58 creating an unneighbourly sense of enclosure and unacceptable loss of daylight and sunlight. Whilst the roof would slope away from no. 58 I do not consider that this overcomes the harm identified that would be caused as a result of the additional development in proximity to that neighbour.

6. The council's Supplementary Planning Document¹ (SPD) 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. In the instance before me, the development would extend to 3.4m from the rear of the existing house and so conflicts with the guidance in the SPD. I consider that this depth, combined with the proximity to, and the relationship between the neighbouring windows would result in an unacceptable impact by way of loss of daylight and sunlight and overshadowing.
7. My attention has been drawn to other extensions in the area, also close to the boundary with neighbouring properties. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar extensions may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
8. 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 loss of daylight and sunlight to the occupiers of the dwelling at no. 58. 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

9. I have had regard to the desire of the appellant to provide accommodation for a growing family. However, I am mindful that the harm identified would be permanent and is not outweighed by the appellants' particular circumstances.

Conclusion

10. The appeal proposal would have a detrimental effect on the living conditions of the occupiers of no.58 Nevin Drive 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

¹ Residential Extensions and Alterations Supplementary Planning Document (Adopted February 2010)