



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/20/3260976

36 Courtland Avenue, Chingford, London E4 6DU

- 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 Mrs Jenny Escobar against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 202339, dated 5 August 2020, was refused by notice dated 6 October 2020.
 - The development proposed is Construction of single storey rear and side extensions and alterations to extend existing patio area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of the development from "ground floor, single storey rear extension" to "Construction of single storey rear and side extensions and alterations to extend existing patio area." 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.
3. Both parties have agreed that the development is an amendment of a previously refused proposal¹. There is agreement that there have been adjustments including reduced depth of the core extension and an increased setback from the eastern boundary. Notwithstanding these changes and previous decisions made by the Council, I shall confine my considerations to the plans and documents before me.

Main Issues

4. 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 38 Courtland Avenue with particular regard to light and outlook.

¹ Application ref 191946

Reasons

Character and appearance

5. The appeal site is a semi-detached single storey dwelling set back from the road. The building has a flat-roofed single storey extension which is attached to a similar flat-roofed element at the neighbouring property, number 36 Courtland Avenue. The neighbour at number 38 Courtland Avenue has a lean-to style conservatory extension to the rear elevation.
6. Courtland Avenue is a residential street with dwellings set back from the road. Properties vary from bungalows to two-storey dwellings. I was able to see at the time of my site visit that properties have been altered along Courtland Avenue in a variety of ways. As seen from the rear, there are a number of varying types of rear additions to properties nearby. The proposed rear extension would be set to the rear of the property and would be of single storey and flat roof construction. I consider that the proposed extensions would not be highly visible as seen from the street.
7. Notwithstanding, the proposal represents a significant addition to the existing property. Whilst I accept that there have been previous additions, I consider that the original dwelling would be dominated to an unacceptable extent by way of the increase in further built form, and as a result the original character of a bungalow building with limited additions would be lost, and thus would be harmful to its appearance. In this way, there would be harm to the character and appearance of the area as a result of the deterioration to the original building and its character.
8. Policy CS15 of the Core Strategy² 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 Plan³ 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 consider that the proposals would harm the character and appearance of the host dwelling, 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 also 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.

Living Conditions

10. The appeal site is located to the west of no. 38 Courtland Avenue which is a similar bungalow style property. No. 38 is set at a slightly lower level to the appeal site, and I was able to see that the eaves levels of the appeal site is just

² Waltham Forest Local Plan - Core Strategy (Adopted March 2012)

³ London Borough of Waltham Forest Development Management Policies Local Plan (Adopted October 2013)

set higher than the neighbour at no. 38. No. 38 is flanked on its eastern boundary by a two storey dwelling which is not attached.

11. The proposed development would result in an extension of the original dwelling which would stretch across most of the width of the plot. Whilst it would not extend beyond a single storey structure, the extension would be brought close to the boundary with no. 38. The effect of this would be to create additional built form which would create a solid and enclosing structure close to no. 38. Whilst I am able to see that the roof closest to the boundary would be sloped away from no. 38, I do not consider that this is sufficient to overcome the enclosing nature of the proposed extension when taken as a whole. In the same way, I do not consider that the retention of a small courtyard area would help to reduce the mass and overbearing nature of the development as a whole. Therefore, I am of the opinion that the proposal due to its depth and proximity to the boundary and combined with the change in levels between properties, 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. 38 Courtland Avenue.
12. The proposed development would project for some distance beyond the rear wall of no. 38, with a total depth of 5.5m from the rear of the existing house. I consider that this would have the effect of unacceptable overshadowing and loss of light due to the depth of the development and the change in levels between the two properties. The council's Supplementary Planning Document⁴ (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. I consider that the proposed depth, combined with the proximity to, and the relationship between the neighbouring windows and changes in levels would result in an unacceptable impact to the occupiers of no. 38 by way of loss of daylight and sunlight and overshadowing and conflicts with the guidance in the SPD.
13. I accept that the houses face south, however no. 38 is located east of the appeal site and the appellant also indicates that Epping Forest already reduces natural sunlight on the to gardens during the afternoons. Even if this were to be the case, I consider that this is not sufficient reason to overcome the harm identified to the occupiers at no. 38 and could exacerbate this shadowing effect further.
14. 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

15. The appeal scheme before me is a resubmission of a preceding application refused by the Council. I acknowledge that the appellant has attempted to overcome the concerns previously raised by the amendments, including via initial pre-application discussions, however the proposal before me would still

⁴ Residential Extensions and Alterations Supplementary Planning Document (Adopted February 2010)

result in harm to the character and appearance of the host dwelling and local area for the reasons I have already outlined.

16. The parties agree that a prior approval request has been granted from 2018⁵. Whilst I do not have the full details of this prior approval request other than the dimensions, I do not consider that this alone overcomes my findings on the harm found above.
17. 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

18. 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 no. 38 Courtland Avenue 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

⁵ Application ref 180311