The Planning Inspectorate

Appeal Decision

Site Visit made on 13 July by S Witherley CIHCM MRTPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2021

Appeal Ref: APP/U5930/D/21/3272051
19 Brewster Road, London E10 6RG

- 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. Anthony Nyame against the decision of Waltham Forest London Borough Council.
- The application Ref 202902, dated 23 September 2020, was refused by notice dated 4 February 2021.
- The development is retrospective planning application for first floor rear extension.

Decision

1. The appeal is allowed, and planning permission is granted for the first-floor rear extension at 19 Brewster Road, London, E10 6RG in accordance with the terms of the application, Ref 202902, dated 23 September 2020 and the plans numbered PL-01, PL-02, PL-03, PL-04, PL-05, PL-06, PL-07 and PL-08.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of the development given on the application form is set out in the banner heading above. However, in the formal decision above I have removed the words 'retrospective planning application' because that would not constitute development. This has no prejudicial effect on any party.

4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

5. The effect of the development on 1) the character and appearance of the appeal property and the surrounding area and, 2) the living conditions of the neighbouring occupiers at 18 Brewster Road with regard to outlook.

Reasons for the Recommendation

Character and appearance

6. No. 19 is a two-storey residential property located in a terraced row. At the rear of the property there is an original two-storey pitched roof part paired with its neighbour at No. 18. No. 19 has extended beyond this part at ground floor and subsequently at first floor, which is the development subject of this appeal.

7. The development at first floor covers the existing ground floor extension and ties in at roof level with the original two-storey part. Its design, which is of a high standard, limited scale and form, along with its materials and fenestration, appear in keeping with the original and neighbouring properties. Whilst I was unable to observe other first floor additions within this section of street, as a result of its overall design, scale and form it appears as a subordinate addition which does not appear incongruous within its setting. Consequently, the development respects the character of the original dwelling, neighbouring properties and the local area. As such, the aims of the Supplementary Planning Document 'Residential Extensions and Alterations' (2010) (SPD) are achieved.

8. On this main issue the development does not harm the character and appearance of the appeal property or the surrounding area. Accordingly, the development complies with the requirements of Policy CS15 of the Waltham Forest Local Plan - Core Strategy (2012) (CS), and Policies DM4 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan (2013) (LP) which require developments to relate to the original property and respond positively to the local context and character.

Living Conditions

9. No. 18 has a single storey rear extension which projects as far back as the development. At first floor No. 18 is set back from the development and has a window which the Council suggest is impacted upon as a result of the development. They state that the development exceeds the '45-degree rule' which is set out within the SPD. This rule is used to assess the suitability of developments in regard to the living conditions of neighbouring occupiers.

10. From my own observations having visited the site, the development appears to marginally exceed the 45–degree rule. However, given the modest scale and form of the development, along with the generally open aspect from the first floor rear windows at No. 18, it is unlikely that it gives rise to substantial harm by appearing overbearing or overly dominant to the occupants of No. 18.

11. On this main issue the development is not considered to harm the living conditions of the neighbouring occupier at No. 18 Brewster Road having regard to outlook. Accordingly, the development complies with the requirements of Policy CS13 of the CS and Policies DM4 and DM32 of the LP which require developments to ensure satisfactory amenity for surrounding occupiers and not affect the outlook of neighbours.

Conditions

12. The Council suggested a number of conditions, but as the development is in situ these are not necessary. I have however included the approved plans within the terms of the decision in the interests of certainty.

Conclusion and Recommendation

13. There are no material considerations that indicate the application should be determined other than in accordance with the development plan.

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR