



Appeal Decision

Site visit made on 26 August 2021

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021.

Appeal Ref: APP/U5930/D/21/3275243
60 Salcombe Road, Walthamstow E17 8JH

- 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 Hanif Bulbulia against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 203990, dated 24 December 2020, was refused by notice dated 15 March 2021.
 - The development proposed was originally described as a single storey rear and side extension to match the adjoining neighbour.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing single storey rear projection and construction of single storey rear and side infill extension (including roof-lantern) at ground floor level at 60 Salcombe Road, Walthamstow E17 8JH, in accordance with the terms of the application, Ref 20/1845/HD, dated 25 June 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, DRAWING_NO 1, entitled "EXISTING DRAWINGS", DRAWING_NO 1, entitled "PROPOSED DRAWINGS" (showing proposed plans, elevations and section), and DRAWING_NO 1, entitled "PROPOSED DRAWINGS" (showing proposed rear elevation).
 - 4) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or sitting out area at any time.

Procedural Matter

2. The development was described on the application form as set out in the heading above. This was amended by the Council, to "*demolition of existing single storey rear projection and construction of single storey rear and side infill extension (including roof-lantern) at ground floor level.*". This is also the description used by the appellant on his appeal form, and describes the works

more fully than the original description. I have therefore used this amended description as the basis for my decision.

Main Issues

3. The main issues are the effect of the proposed development on:-

- the character and appearance of the area;
- the living conditions of the occupiers of 58 and 62 Salcombe Road, with particular regard to whether the development would unacceptably affect outlook, result in an unacceptable sense of enclosure, or result in an unacceptable loss of light.

Reasons

Character and appearance

4. No 60 Salcombe Road is a two storey mid-terraced house with a two storey outrigger. The proposed single storey extension is large and would extend nearly 5 metres beyond the original outrigger. The Council considers that the proposal would not be subservient to the host property and would be detrimental to the original character of the dwellinghouse. Whilst an extension of this size could easily appear dominant, much depends on the context in which it would be seen.
5. I noted on my site visit that the two adjoining properties to the south-east have single storey rear extensions of considerable width, and projecting the same amount into their respective back gardens as the appeal proposal. In addition, No 60 already has a large dormer window on the rear roof slope, as do nearly all of the properties in the terrace.
6. The Council says that the majority of these large single storey extensions were either permitted development or are unauthorised. As a result, it argues that they are not considered to set a precedent for the appeal proposal. However, this is not a matter of whether a precedent has been set. It is more that the character and appearance of the rear elevations of this terrace includes large single storey extensions and large dormer windows.
7. In addition, I have seen no evidence that the Council is considering taking enforcement action against any of these other extensions, meaning that they are likely to remain in place. Seen in this context, it is hard to conclude that any lack of subservience to the host dwelling would cause detriment to the original character of the host dwelling, or indeed to that of the terrace of which it forms a part.
8. I conclude that the proposal would not have an unacceptably adverse effect on the character or appearance of the area, and would comply with Policy CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012), and Policies DM4, DM29 and DM32 of the Waltham Forest Local Plan - Development Management Policies (2013) (DMP). These policies seek, amongst other things, development that responds positively to the local context and character, relates to the host building and character of the area, and include a high standard of design.

Living conditions

9. As noted above, No 58 Salcombe Road has a large single storey extension, of the same depth as the appeal proposal. However, it leaves a small open area next to the side return. This open space is currently enclosed by No 58's main rear elevation, that dwelling's original outrigger on one side, its extension to the rear, and a high wall on the boundary with the appeal site. The Council is concerned that, by filling in part of that lightwell between the two dwellings, and increasing the height of the boundary wall to some 3.2 metres, that No 58 would suffer from a serious loss of outlook and light, and an increased sense of enclosure.
10. However, the difference in height between the existing wall and the proposed extension, alongside the relatively small retained open area, is not such that there would be an undue impact on the occupiers of No 58. Any impact on outlook, on light entering No 58's windows, or any increased sense of enclosure, would be minimal. It would not amount to unacceptable harm.
11. The Council's adopted Supplementary Planning Document on Residential Extensions and Alterations says that it is generally inappropriate to square the property off by infilling the 'L-shape', as this can create a tunnel effect on the neighbour and be too overbearing. However, in this case, a degree of infilling has already taken place within the neighbours' own property, and already affects the windows in No 58. The additional impact caused by the appeal proposal would be limited.
12. No 62 Salcombe Road has one small ground floor window that is affected by the proposed extension. It is located within the rear single storey part of the outrigger and is set immediately adjacent to the boundary fence with the appeal site. The top of this window is only a few centimetres higher than this fence, meaning that there is already an impact on outlook and light and some overbearing effect on the occupiers of No 62, when using the room lit by this window, caused by the existing fence.
13. The proposed extension would be higher than the existing boundary fence, and would increase these impacts, but only by a marginal amount. I do not know whether the affected window lights a habitable room within No 62. However, even if it does, I do not consider that the appeal proposal would have an unacceptable effect on the living conditions of No 62 when using this room.
14. I conclude that the proposal would not have an unacceptably adverse effect on the living conditions of the occupiers of 62 Salcombe Road, and would comply with Policies DM4, DM29 and DM32 of the DMP. These policies seek, amongst other things, development that protects the occupiers of nearby properties from suffering any excessive loss of residential amenity, addresses the impact on neighbouring amenity, and ensures that daylight and outlook are maintained for neighbours.

Other Matters

15. The Council's delegated report makes reference to the proposed extension resulting in an unacceptable loss of private outdoor amenity space, contrary to Policy DM7 of the DMP. The application was not refused on these grounds, and it is not clear that this policy, which is aimed at new residential development, including conversions and changes of use, is applicable to this proposal.

However, I considered this matter on my site visit, and concluded that sufficient useable private outdoor amenity space would remain for use by a family living in the appeal premises.

Conditions

16. As well as standard conditions relating to when the development should commence and compliance with the approved plans, a condition requiring the external materials used to match the existing building is necessary, to protect the character and appearance of the area. A condition to prevent the use of the flat roof of the extension from being used as a sitting out area is also needed, to prevent unacceptable overlooking of adjacent properties.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be allowed, subject to the conditions set out above.

Michael J Muston

INSPECTOR