



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/21/3274798
45 Ramsay Road, Forest Gate E7 9EN

- 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 Tebbutt against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 210353, dated 8 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed was originally described as the demolition of a single storey rear extension and the erection of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single storey rear projections and construction of a single storey rear and side infill extension at ground floor level at 45 Ramsay Road, Forest Gate E7 9EN, in accordance with the terms of the application, Ref 210353, dated 8 February 2021, 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: drawings numbered 2031-01, 2031-02, 2031-03, 2031-04, 2031-05, 2031-06, 2031-07, 2031-08 , 2031-09.

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 projections and construction of a single storey rear and side infill extension 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 Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 43 Ramsay 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

4. No 45 Ramsay Road is a mid terraced two storey property with a two storey outrigger set away from the boundary with No 43, mirroring the one at that neighbouring dwelling. The Council is concerned that, by filling in part of that lightwell between the two dwellings, No 43 would suffer from a serious loss of outlook and light, and an increased sense of enclosure.
5. However, there is already a single storey extension within that lightwell, projecting out nearly 3 metres from the main rear elevation of the two houses. No 43 has two ground floor windows that face out into the lightwell; both face into the area already affected by the existing extension. The proposed extension would be no higher on the boundary between the two houses than the existing one. As a result, any impact on outlook, on light entering No 43's windows, or any increased sense of enclosure, would be minimal. It would not amount to unacceptable harm.
6. 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, and already affects the two windows in No 43. The additional impact caused by the appeal proposal would be limited.
7. I conclude that the proposal would not have an unacceptably adverse effect on the living conditions of the occupiers of 43 Ramsay Road, and would comply with Policies DM4, DM29 and DM32 of the Waltham Forest Local Plan - Development Management Policies (2013). 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.

Conditions

8. 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.

Conclusion

9. 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