The Planning Inspectorate

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/21/3274650
118 Malvern Road, Leytonstone E11 3DL

- 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 Sheila Makokha against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 210198, dated 25 January 2021, was refused by notice dated 12 April 2021.
- The development proposed is a rear/side extension and loft extension.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear/side extension and loft extension at 118 Malvern Road, Leytonstone E11 3DL, in accordance with the terms of the application, Ref 210198, dated 25 January 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: E101-REV A, E102-REV A, E103-REV A, E104-REV A and E105-REV A.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. As noted in the Council's Delegated Report, the appeal site is located in a predominantly residential area, comprising terraced two storey dwellings, and which feature a number of single storey rear extensions, first floor extensions and dormer roof extensions.

4. The Council points out that there are no 'L-shaped' dormers, like the one proposed at the appeal site, within the terrace of which the appeal property is part. However, the appellant has drawn my attention to a considerable number of them within the local area and an even larger number of large, flat-

roofed box dormers. I agree with the appellant that large dormer windows to the rear of properties, including 'L-shaped' dormers, form part of the character of the area. In this context, the dormer window that forms part of the appeal proposal, although large, would not be out of keeping with the character of the area and would not look out of place in the area.

5. The rear of the appeal property faces into an area that is enclosed by terraced housing that fronts the northern side of Malvern Road, the southern side of Ferndale Road and the western side of Montague Road. I noted on my site visit that there a number of viewpoints where it is possible to see the rear of properties in this area from surrounding roads. However, the layout of the houses in the vicinity of the appeal site means that the proposed dormer window on No 118 would not be visible from any public area. This adds weight to my view that this dormer would not be harmful to the character or appearance of the area.

6. I appreciate that the design of the proposed dormer window would not wholly comply with the guidance set out in the Council's adopted Supplementary Planning Document on Residential Extensions and Alterations. However, in my view this is outweighed in this case by the lack of harm that would be caused by the proposal.

7. The Council does not object to the proposed single storey rear/side extension, and I see no reason to disagree. 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 and DM29 of the Waltham Forest Local Plan - Development Management Policies (2013). These policies seek, amongst other things, development that responds positively to the local context and character, that relates to the host building and character of the area, and that include a high standard of design.

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