



Appeal Decision

Site visit made on 6 September 2021

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/U5930/W/21/3269214

First Floor Flat, 12 Ashville Road, London E11 4DT

- 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 Usman Ismail against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 202620, dated 4 September 2020, was refused by notice dated 6 November 2020.
 - The development proposed is a dormer loft conversion (retrospective application).
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since the Council refused this application the London Plan 2021 (LP) has been adopted, taking the place of the London Plan 2016, and a revised version of the National Planning Policy Framework (the Framework) has been published. Both the appellant and the Council have submitted comments in regard to the new policies, which I have considered as part of this decision.

Main issues

3. The main issues are the effects of the proposal on:
 - i) the character and appearance of the building and the local area; and
 - ii) living conditions at neighbouring properties, in terms of any overbearing and overshadowing impacts.

Reasons

Character and appearance

4. 12 Ashville Road is a mid-terrace 2 storey period house which has been converted into flats, located near to the corner of Ashville Road and Elm Road. An L-shaped box dormer extension has been constructed across the main rear roof and the building's 2 storey rear wing or outrigger. The appeal asks for retrospective approval for that construction, and for 2 front rooflights to which the Council raises no objection.

5. The Council's *Residential Extensions and Alterations* Supplementary Planning Document (SPD) advises that planning permission will not normally be granted for dormer extensions that turn the corner of L-shaped roofs to create one large extension, because this type of extension would have too great a visual impact on the character of the original building. The inclusion of the extension over the rear outrigger means that the appeal extension takes up almost the entire rear roof of the house, creating an awkwardly designed, bulky flat roofed second floor that is unsympathetic to the finer form and character of the property. The extension is not readily visible from Ashville Road, but is visible from Elm Road and neighbouring properties so it does have a significant visual presence.
6. I note that there are some other large dormer roof extensions in the area. As indicated by aerial photographs, some of these may be similar L-shaped, flat roofed dormer extensions, but I could not see any of these at my site visit and do not know their full circumstances. The dormer extensions I could see appeared to be simpler structures over the main roof of the buildings. L-shaped dormers do not seem to me to form a significant part of local character. I recognise that similar constructions may sometimes be allowed as permitted development on houses, without the need for a planning application, but this does not apply to extensions to flats so does not form a fall-back position in this case.
7. On balance I find that the appeal extension is unduly harmful to the character and appearance of the building and the local area due to the inclusion of the element over the rear outrigger. The proposal therefore conflicts with the aims of Waltham Forest Local Plan Core Strategy 2012 (CS) Policy CS15, Development Management Policies Local Plan 2013 (DMP) Policies DM4 and DM29 and the SPD, to ensure the highest quality architecture that responds to local character, with extensions that relate to the host building and respect the street scene and character of the area. For similar reasons the proposal conflicts with the LP Policies D3 and D4 which seek good quality design. LP Policy D1 has also been mentioned, but is a strategic level policy with little direct bearing on this proposal.

Living conditions

8. The section of the box dormer extension that sits on top of the rear outrigger looms over a very close by first floor rear window at No 14 next door, so that the extension is an intrusive and dominant element in the outlook from that window. It furthermore sits to the south-west of this window so that it overshadows it for a significant part of the day and takes away much of its direct sunlight. There is, on the other hand, very little effect on the lower level openings at the back of No 14 as the key impacts on these come from the original outrigger not the dormer extension.
9. I note that the occupier of No 14 raises no objection, saying that the appeal extension has no effect on that property. I must, however, make this decision on the merits of the proposal, bearing in mind that other people will likely live at No 14 in the future.
10. On the other side, a first floor rear window at No 10 is set a little farther away and to the south-west, limiting the impact on that window's outlook and sunlight. The main effect on No 10 is from the pre-existing high side wall of the

formerly mono-pitch roofed outrigger, so that the appeal extension has no undue impacts on occupiers of that property.

11. I conclude that the dormer extension unacceptably harms living conditions at No 14 next door due to the overbearing and overshadowing impacts of the extension over the outrigger on No 14's first floor rear window. The proposal therefore conflicts in this respect with the aims of DMP Policies DM4, DM29 and DM32 and the SPD, to protect occupiers of nearby properties from suffering any excessive loss of residential amenity, ensuring that outlook and sunlight are maintained. The Council also refers to CS Policy CS15 here, but this strategic policy does not appear to be directly relevant.

Other matters

12. I take into account the benefit of the dormer extension to the living space available in the first floor flat, but do not find this sufficient reason to override my objections in regard to the key issues.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR