



Appeal Decision

Site visit made on 7 September 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021.

Appeal Ref: APP/U5930/D/21/3275646
52 Maida Avenue, Chingford, E47JJ.

- 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 Ms Rebecca Paisis against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 210060, dated 8 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is a new conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a new conservatory at 52 Maida Avenue, Chingford, E47JJ in accordance with the terms of the application, Ref 210060, dated 8 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 building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: CP07-01, CP07-02 and CP07-03.

Main Issue

2. I consider the main issue to be the potential effect of the proposed development on the living conditions of the occupiers of 50 Maida Avenue in terms of its potential to result in a loss of light, poor outlook and overshadowing.

Reasons

3. The property the subject of this appeal, 52 Maida Avenue, is a two-storey semi-detached dwelling, located in a built-up residential area.
4. The appellant proposes a single storey conservatory addition built on to a previous single storey flat roof extension. It would extend some 2.9 metres from the rear wall of the host property and would comprise three full height glass walls. It would have a shallow sloping roof with a maximum height of

- about 2.87 metres. As such it would be slightly higher than a typical boundary fence.
5. It would be built close to the common boundary with the other half of the property, 50 Maida Avenue, which has an existing single storey rear extension. As I saw the extension to the rear of number 50 is as deep as the present addition to number 52 and has French doors facing the long south facing rear garden.
 6. My attention has been drawn to the Council's Supplementary Planning Document – Residential Extensions and Alterations (Adopted February 2010) (SPD). Which advises on the design of both single storey rear additions and conservatories. In respect of conservatories it advises that, as in this case, conservatories which do not have solid flank walls structures greater than 3.0 metres may be acceptable.
 7. The conservatory would not extend more than 3.0 metres from the rear wall of the host property as extended, it would have a fully glazed flank wall and be only marginally higher than a typical boundary fence. Further, given the depth of the rear garden of number 50 and the properties southerly aspect I do not consider, on balance, that the proposed conservatory would in this case result in such a significant loss of light, overshadowing or reduction in outlook as to cause harm to the living conditions of the occupiers of number 50. As feared by the Council.
 8. I therefore conclude in respect of the main issue that the proposed conservatory would not cause harm to the living conditions of the occupiers of number 50 Maida Avenue, in terms of its potential to result in a loss of light, poor outlook or overshadowing. It would therefore accord with the objectives of Policies CS3 and CS15 of the Waltham Forest Local Plan- (Adopted March 2012), Policies DM4, DM23, DM29 and DM32 of the London Borough of Waltham Forest Local Plan-*Development Management Policies* (Adopted October 2013) and the SPD as they relate to the protection of residential living conditions.

Conditions

9. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
10. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR