



Appeal Decision

Site visit made on 13 September 2021

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Appeal Ref: APP/U5930/W/21/3269212

Ground floor flat, 12 Ashville Road, Leytonstone, 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 202619, dated 4 September 2020, was refused by notice dated 2 February 2021.
 - The development proposed is described as a retrospective application for a ground floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The ground floor rear extension is already in place. Consequently, whilst the application drawings do not show the existing step-up in ground level along the host property's side passageway as highlighted in the Council's first reason for refusal, on the basis of my visit together with the drawings I am satisfied that I have sufficient evidence before me to assess the scheme.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the host property and the area;
 - Whether occupants of the host property experience satisfactory living conditions; and
 - The effect of the development on the living conditions of adjacent occupiers, with particular regard to the outlook from, and overlooking of, 14 Ashville Road.

Reasons

Character and appearance

4. Ashville Road is characterised by long two storey terraces of a broadly similar form and style, with many design embellishments. No 12 Ashville Road is in such a terrace where, to the rear, the dwellings typically have two storey outriggers, some with single storey projections, and with short gardens beyond.

5. The ground floor rear extension on the appeal site is attached to an existing single storey projection and a two storey outrigger. Despite the appellant's assertion that the single storey rear projections at 14 Ashville Road ('No 14') and at 16 Ashville Road are of an almost similar size, I observed that they are significantly shorter.
6. Moreover, this one is finished in smooth red bricks which contrast unfavourably with the host's yellow multi-stock masonry. This serves to draw the eye, and to emphasize its very functional design, and its not inconsiderable rectilinear bulk.
7. Additionally, whilst No 14 has a lightweight, translucent roof over part of its short rear garden, the extension here occupies almost the whole of the host's former garden – leaving only a narrow passageway to one side and to the rear.
8. The extension is not visible from the public realm, but given its proximity to the site's rear and side boundaries, and its height above the boundary fences, it can be clearly seen from many neighbouring properties, including those on Grove Green Road to the rear. In those views, its contrasting finish, along with its bulk and plot coverage, appear visually discordant and out of place.
9. Whilst the appellant refers to 'permitted development guidelines', there has been no suggestion that this scheme is permitted development; and I have not been directed to evidence regarding his assertion that Council policies allow 3.5 metre rear extensions.
10. The development conflicts with those parts of Waltham Forest Local Plan Core Strategy 2012 ('WFCS') Policy CS15, and Waltham Forest Local Plan Development Management Policies Local Plan 2013 ('WFDMP') Policies DM4 and DM29 which, in general terms, require the highest quality architecture which responds positively to its context, taking account of matters such as urban form, detailing and materials, and which require extensions to relate to the original host building.
11. It also conflicts with the broadly similar approach in the Waltham Forest Residential Extensions and Alterations Supplementary Planning Document 2010 ('RESPD'), including its stance that materials should be high quality, and complement or match those in the original house. Finally, whilst Policy D1 of the London Plan 2021 requires boroughs to plan for growth, as this scheme does not represent good design, it does not accord with that policy.

Living conditions in the host property

12. The RESPD sets out the importance of gardens to the quality of life of current and future residents. It states that, when considering an extension, it will normally seek 15sqm of remaining useable garden space per habitable room. That approach is broadly echoed by the Council's Urban Design Supplementary Planning Document 2010 ('UDSPD') which requires useable rear garden space.
13. As a result of this development only a narrow passageway remains to the side and rear of the plot. This offers very limited privacy, or utility as an area to sit outside, play, or undertake domestic tasks. The area clearly falls well short of the standard in the RESPD. Public parks and play areas within walking distance do not sufficiently mitigate the lack of convenient, useable, private space here. Consequently, although the current occupiers may be satisfied with this arrangement, the development does not provide appropriate outdoor space to ensure satisfactory living conditions for the property's future residents.

14. On this issue the scheme therefore conflicts with the RESPD and UDSPD, and with those parts of WFCS Policies CS2 and CS13, and WFDMP Policy DM32 which aim to provide high quality homes that people want to live in, and to ensure satisfactory amenity for the occupiers of development. As WFDMP Policy DM7 is directed at new residential development, it is of limited relevance.

Adjacent occupiers' living conditions

15. The ground floor rear extension is set in slightly from the boundary with No 14. Given the finished floor level within it, which is lower than the adjacent passageway, the outlook from its bedroom window is towards the shared boundary fence, rather than into habitable rooms at No 14 or across its outdoor space.
16. The nearest single storey part of No 14 directly facing the extension is set in slightly from the boundary and does not contain any side windows. Its rear windows face towards that property's short outdoor space.
17. The rear facing ground floor window in No 14's two storey section already has a constrained outlook due to built projections either side. In that context, given the distance to this single storey extension and its flat roof, the development has not resulted in a significantly increased sense of enclosure within that room.
18. Finally, given the single storey height of the extension, its set in from the boundary, and the location of No 14's closest windows, I am not persuaded that it has resulted in a harmful loss of light within that property.
19. For those reasons, the scheme does not harmfully impact the living conditions at No 14 as a result of overbearance, overlooking, loss of light, or a significant sense of enclosure. As dwellings to the rear are further from the extension, the impact on those occupiers is even more limited.
20. On this issue, the scheme does not therefore conflict with those parts of WFCS Policy CS13, or WFDMP Policies DM4 and DM32, which seek to ensure satisfactory amenity for surrounding occupiers with regard to matters such as outlook; nor with the similar stance in the RESPD.

Other matters

21. In its favour, the scheme provides additional accommodation for this family.

Conclusion

22. I have found that whilst the development does not impact neighbouring occupiers to a harmful degree, it is not high quality architecture, and it causes significant harm to the character and appearance of the host property and the area. Additionally, given the very restricted outdoor space, it does not ensure appropriate living conditions for the host property's future occupants.
23. Although there is a limited benefit as a result of the additional accommodation provided, that does not outweigh the harms that I have found the scheme causes. It conflicts with the development plan when considered as a whole and, having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR