



Appeal Decision

Site Visit made on 12 October 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2021

Appeal Ref: APP/U5930/D/21/3267427

193 Chingford Mount Road, London E4 8LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission.
 - The appeal is made by Mr M Akhtar against the decision of Waltham Forest London Borough Council.
 - The application Ref 202667, dated 3 September 2020, was refused by notice dated 30 October 2020.
 - The development proposed is a proposed single storey ground floor rear extension and single storey first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties, with specific regard to light and outlook.

Reasons

Character and appearance

3. The appeal site consists of a mid-terraced dwelling constructed in a traditional form of architecture. Whilst a number of dwellings have been extended, these are generally subordinate additions that allow for the retention of the original character of the dwelling. The appeal site also contains a two-storey extension with a mono-pitched roof. The terrace in which the appeal site is located is near to Frankland Road.
4. The proposed development would result in an increase in the massing of the appellant's dwelling. Given that it would be viewed alongside dwellings of similar proportions to the existing house, the property would appear incongruous. This would result from the increase in bulk and massing arising from the proposed extension at both ground and first floor levels.
5. Furthermore, the proposed development would be viewed alongside other extensions at the appeal site. This means that the cumulative effect of all proposed and existing extensions together would be a dwelling substantially

- larger than originally constructed. In result, the proposed development would not be a subordinate addition to the dwelling.
6. In addition, the proposed development would feature flat roofs and would be viewed alongside an existing flat roofed dormer on the rear roof slope. These developments, when combined, would create a bulkier dwelling that would conflict with the traditional style of architecture, including pitched roofs, that is a feature of the surrounding area.
 7. This is a concern given the prominence of the appeal site. In addition to views from the neighbouring properties, views of the proposed development would be viewable from the nearby street of Frankland Road. In result, the incongruous form of development would be readily perceptible. Therefore, the development would be strident, and the erosion of the area's character would be particularly significant. These adverse effects would occur even though the development would not be visible from Chingford Mount Road.
 8. The neighbouring property at 191 Chingford Mount Road contains a two-storey flat roofed extension. However, this is screened by the appellant's existing mono-pitched extension. In contrast, the appeal proposal would result in a greater expanse of flat-roofed extensions, which would be more prominent. This would conflict with the traditional form of architecture present on the appeal site and elsewhere.
 9. I have been referred to Policy CS13 of the Waltham Forest Local Plan – Core Strategy (2012) (the Core Strategy) and Policy DM32 of the Waltham Forest Local Plan – Development Management Policies (2013) (the Local Plan). However, I am unable to give these policies a significant amount of weight in my considerations in respect of this specific main issue given that they pertain to the effects of development upon health, living conditions and refuse storage.
 10. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard would conflict with the requirements of Policies CS2, and CS15 of the Core Strategy Policies DM4 and DM29 of the Local Plan; the Residential Extensions and Alterations Supplementary Planning Document (2010) (the SPD); and the Urban Design Supplementary Planning Document (2010). Amongst other matters, these seek to ensure that new developments are of a high quality of design; ensure the highest quality of architecture and urban design; that extensions retain traditional features; be supported by an analysis of local character.

Living conditions

11. The appeal site consists of a terraced dwelling located near to other houses. By reason of this arrangement, some of the rear elevation windows are near to the siting of the proposed extensions.
12. By reason of the projecting elements of the proposed development, it would have a significant enclosing effect upon the neighbouring property at No. 191. This would mean that the proposed development would restrict the level of outlook available for occupiers of the neighbouring dwellings.
13. This adverse effect would also encompass the rear garden of the neighbouring dwelling. This causes a concern owing to the fact that the rear garden of the neighbouring properties represents the only spaces where private outdoor

recreation or play might take place. In consequence, the lack of outlook would be particularly concerning.

14. There would also be an overbearing effect, albeit smaller, on the windows of the rear extension at 195 Chingford Mount Road. This is due to the projection of the appeal proposal, combined with the proximity of No. 195's rear windows to the proposed development.
15. In addition, the height of the proposed extensions combined with the orientation of the site would result in a diminished level of light to the occupiers of the neighbouring dwelling at No. 195. Owing to the orientation of the site, this adverse effect would occur for a large period of the day. In result, the adverse effect would be significant.
16. I note that the proposed extension would not breach a '45 degree' line drawn from the first-floor rear elevation windows of No. 195. However, this would not overcome the adverse effect to the ground floor windows to the neighbouring property.
17. Whilst the orientation of the appeal site is such that the proposed development would not lead to an adverse effect upon the levels of light experienced by the occupiers of the neighbouring property at No. 191, this is only one of the effects that must be considered and therefore does not outweigh my previous concerns.
18. My attention has been drawn to a number of other extensions within the surrounding area. I do not have the full information regarding the planning circumstances of these, which lessens the weight that can be attributed to them. However, these are constructed to different designs and therefore do not have the same adverse effects as the scheme before me. Therefore, their presence does not overcome my previous concerns.
19. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conflict with Core Strategy Policy CS15; Local Plan Policies DM29 and DM32 and the SPD. These, amongst other matters, require that new developments respond positively to the local context; respond to their context in terms of scale, height and massing; and that daylight, sunlight and outlook is maintained for the occupiers of neighbouring properties.

Conclusion

20. The proposed development would have a significant adverse effect upon the character and appearance of the surrounding area and the living conditions of the occupiers of neighbouring properties. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed

Benjamin Clarke

INSPECTOR