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## Appeal Decision

Site visit made on 12 October 2021

**by A.Graham BA(hons) MAued IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 November 2021.**

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**Appeal Ref: APP/U5930/W/20/3262197**

**Ground Floor Flat 1, 45 Wellington Road, Walthamstow, London E17 6LP**

- 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 Razwan Mohammed against the decision of London Borough of Waltham Forest Council.
  - The application Ref 202191, dated 23 July 2020, was refused by notice dated 17 September 2020.
  - The proposed development is for retention of a single storey ground floor rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for the retention of a single storey ground floor rear extension at Flat 1, 45 Wellington Road, Walthamstow subject to the condition outlined in the schedule below.

### Main Issues

2. The main issue is the impact of the proposal upon the living conditions of neighbours.

### Procedural Matter

3. The description of development in the heading above has been taken from the Council's decision notice. Neither of the main parties has provided written confirmation that this description is erroneous and accordingly, I have used the one given on the Council's decision notice.

### Reasons

4. Number 45 Wellington Road is a mid terrace brick built property likely dating to around the late 19<sup>th</sup> century. The property is currently split into two flats and Flat 1 occupies the ground floor of the property with access to the rear garden. Originally it appears that the existing property contained a small two storey outshot extension that appears to have created an L shaped space to the rear that I consider would be typical of such houses.
5. The extant extension is a flat roof ground floor building that builds upon a previous rear extension that seems to have infilled the L shaped rear yard space. As a result the building as it stands extends around 4.15 metres from the rear of the property. The extension is rendered light grey and presents a

pair of French doors and a small casement window facing along the rear garden that is bounded by timber screen fencing at both sides.

6. To the north of the appeal site number 43 Wellington Road appears to have undertaken both single and 2 storey rear extensions although I understand that these extensions do not have the benefit of having been awarded planning permission. To the south number 47 Wellington Road has a similarly sized garden with patio adjacent to the common boundary and accessed from the rear of the building. Number 47 is located to approximately the south, south east of the appeal property and aerial images enclosed within the Appellant's appeal statement show that there was once a tree in this location, whose remaining stumps I could glimpse on my site visit.
7. In assessing this appeal I give great weight to the Council's Supplementary Planning Guidance (SPG) that such extensions should, as a rule of thumb, only extend by up to 3 metres from the rear of a property<sup>1</sup>. Moreover, I am also aware of the Council's Policy guidance in the form of Policy DM4 of the Waltham Forest Development Management Local Plan, 2013 that also aims to protect properties nearby from suffering loss of amenity through development.
8. In assessing the potential of the scheme to be overbearing and thereby to adversely affect the outlook from number 47, I consider that although the length of the extension will exceed the guideline in the SPG, it will not unduly appear overbearing just because of this. I saw on my site visit for instance that the scheme appears only slightly higher than the existing fence and as such I consider that there would be only marginal appreciative difference in height when viewed from the neighbour's rear garden.
9. Ultimately, I consider that the protruding 0.6m of the extension that may be visible above the fence would not only be less than that allowed by the Council's guidance<sup>2</sup>, but it would also not be harmful due to both the siting of the extension slightly off the boundary and due to the presence of the existing 2.1m screen fence. Moreover, due to the orientation of the appeal extension being to the north, I do not consider that there will be any subsequent loss of sunlight.
10. Although I saw on my site visit that there is also an original two storey outshot extension further along Wellington Road, neighbouring number 47, I do not consider that the visible top of the extension at the appeal site would be so overly dominant as to cause any significantly greater harm to the living conditions of neighbours through over dominance or loss of outlook.
11. In light of this I consider that the proposal conforms to the guidance contained within Policies CS2, CS13 of the Waltham Forest Local Plan Core Strategy 2012 and Policies DM4, DM29 and DM32 of the Waltham Forest Development Management Local Plan 2013.

## Conditions

12. I have assessed the proposed condition suggested by the Local Planning Authority for the development to be undertaken in accordance with the

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<sup>1</sup> Residential Extensions and Alterations Supplementary Planning Guidance, February 2010

<sup>2</sup> The Council's Delegated Report, section B (i) refers to an extension of 3m in length and 3m in height being generally acceptable.

approved plans and maintained thereafter for the lifetime of the development. I note the Appellant's disagreement that the reference to the 'lifetime of the development' is unnecessary. I consider that the actual lifetime of the development is impossible to predict and so unreasonable to impose this criteria.

13. Nonetheless, the term, 'maintained as such' offers the same implications and the inclusion of this element of the condition is appropriate and reasonable so as to continue to protect the living conditions of neighbours who otherwise may be affected by any future cumulative changes to this structure that are undertaken without Planning Permission.

### **Conclusion**

14. For the reasons above, taking into account all other matters raised, I allow the appeal subject to the condition set out in the schedule below.

*A Graham*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and thereafter maintained as such:
  - 20-1037-SO1, 20-1037-SO2 and 20-1037-PEO3