



Appeal Decision

Site visit made on 2 November 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 25 November 2021

Appeal Ref: APP/U5930/D/21/3276069

72 The Charter Road, Woodford Green IG8 9RE

- 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 James Rumble against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 210015, dated 4 January 2021, was refused by notice dated 24 April 2021.
 - The development proposed is the erection of a rear lower ground extension and alteration to patio area including formation of external staircase, alterations to the materials of existing windows on front elevation and materials of existing windows and door on rear elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has requested that this appeal takes into account the drawings which were originally submitted with the application prior to the submission of amendments which formed the basis of the Council's refusal of planning permission. However, I am required to assess the scheme which is before me and I do not have the full views of the Council about the originally submitted drawings. Accordingly, this appeal has been determined based upon the drawings referred to in the Council's Decision Notice.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties.

Reasons

4. The appeal property is a semi-detached dwelling situated within a primarily residential area. There is a significant difference in levels between the ground floor of the property and its landscaped rear garden. Between the landscaped garden and the rear of the property there are upper and lower terraces. A staircase adjacent to the shared boundary with 70 The Charters Road links the lower terrace to the landscaped garden. There is evidence of a former staircase providing a link between the upper and lower terraces sited adjacent to the shared boundary with No. 74.
5. The proposed development includes an elevated terrace which would project further rearwards towards the landscaped garden area than the existing upper

terrace. There would be 2 full length staircases either side of the proposed terrace which would be sited adjacent the shared boundaries.

6. The Council's *Supplementary Planning Document Residential Extensions and Alterations* does not include specific design guidance on garden terraces. Similarly, Policy DM4 of the Waltham Forest Local Plan Development Management Policies (DMP) does not specifically refer to terraces within rear gardens but does expect alterations to residential buildings not to cause an excessive loss of residential amenity to the occupiers of existing properties. This is approach echoed in DMP Policy DM32 which refers to maintaining the outlook and privacy for existing occupiers. The absence of objections from the existing occupiers of Nos. 70 and 74 has been noted but others may well occupy these neighbouring properties in the future.
7. As part of the appeal scheme fencing above a brick wall is proposed totalling circa 2 metres in height which would provide a partial means of enclosure along the shared boundaries. The means of enclosure for the remainder of the shared boundaries would be at lower level. Glazed screens would be erected along part of the side elevations of the proposed terrace and these would be around 1 metre high.
8. By reason of height and separation distance to habitable windows, and together with the size of the adjacent gardens, the proposed means of enclosure would not cause unacceptable loss of daylight or sunlight to the occupiers of Nos. 70 and 74. Neither would the proposed means of enclosure represent an overbearing form of development.
9. When compared to the existing upper terrace the rearward projection of the proposed terrace, together with the location of the full length staircase, would result in a material increase in the overlooking of the rear garden of No. 70, including towards this neighbouring property's lower patio and elevated decking areas. The degree of privacy currently enjoyed by the occupiers of this neighbouring property would be diminished, rather than maintained, and this unacceptable harm would not be adequately mitigated by the means of enclosure.
10. The substantial vegetation within the rear garden of No. 74 would provide some screening of views from the proposed terrace and staircase towards the garden of this neighbouring property. However, there would still be an increase in overlooking towards the rear elevation of No. 74 from the proposed terrace. This increased overlooking and associated loss of privacy caused to the occupiers of No. 74 would not alone be a reason for this appeal to fail but it does add to the unacceptable harm which has been identified.
11. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of the neighbouring properties, by reason of overlooking and loss of privacy, and, as such, it would conflict with DMP Policies DM4 and DM32. Policy CS15 of the Waltham Forest Local Plan Core Strategy is not considered to be of direct relevance to the identified main issue. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR