



Appeal Decision

Site visit made on 8 September 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

Appeal Ref: APP/U5930/D/21/3275647

52 Maida Avenue, Chingford E4 7JJ

- 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 210059, dated 8 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is Garage conversion including side and rear extension, part double part single-storey rear extension including 3 skylights windows and new porch.
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Decision

The appeal is allowed and planning permission is granted for Garage conversion including side and rear extension, part double part single-storey rear extension including 3 skylights windows and new porch at 52 Maida Avenue, Chingford E4 7JJ in accordance with the terms of the application Ref 210059 dated 8 January 2021 and in accordance with 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 plans: Block Plan 01; Proposed Plans and Elevations 03A.

Procedural Matters

1. The description of the proposed development is taken from the application form. In its decision notice, the Council describes the development as *"Construction of part single storey and part two storey rear extension including extension and alteration of existing garage (with two roof-lights and bi-fold doors to rear elevation). Extended patio to rear. Construction of single storey porch extension to front. Installation of one roof-light to main rear roof."*
2. The appellant has provided amended plans to correctly show the layout of the neighbouring property at no. 54 Maida Avenue, which had previously been shown with a rear extension. The plans as submitted are 02 and 03, and as amended are 02A and 03A. These were included in both parties' documentation and as such I have considered the plans before as amended and do not consider that this prejudices my decision.

3. I note that the Council does not raise objection to the impacts to the neighbouring property as a result of the proposed alterations to the garage building and as such I will not consider this matter any further.
4. Since the submission of the appeal, the National Planning Policy Framework from 2019 has been replaced, with the new version being published in July 2021 (the Framework). Amongst other changes, Section 12 has been amended to reflect the new National Model Design Code. Nevertheless the character and protection aims of both local policy and the Framework are similar and so neither party has been prejudiced by this change in policy circumstances.

Main Issue

5. The main issue in the appeal is the effect of the proposal on the living conditions of the occupiers of 54 Maida Avenue with particular regard to light and outlook.

Reasons

6. The site is a semi-detached dwelling featuring bay windows and hipped roof features, which are common features throughout this residential street. The appeal site is detached from no. 54, located to the east of the appeal site. Both dwellings have vehicular access from the street, with garage buildings off-set to the rear of each property. The garage the subject of this appeal is attached to that which is associated with no. 54.
7. I was able to see at my site visit that no. 54 has a similar layout and rear features to the appeal site, with a bay window, glazed door and further window to the rear ground floor elevation. The boundary to this neighbour comprises the garage buildings as well as a brick wall, which is located mid-way through the ground floor window. To the other side I was able to see that there is a brick single storey extension adjoining no. 54, with a close board fence beyond.
8. The appeal proposals would introduce elements to straighten of the existing side wall, a single storey rear extension and first floor extensions to the rear. The roof would be stepped down from the main existing roof, with the elements closest to no. 54 being two storey.
9. I have had regard to the guidance in the Council's Extensions and Alterations Supplementary Planning Guidance¹ (SPG), in particular the guidance for two storey extensions and the '45 degree' rule. The plans appear to show that the 45 degree line would not be breached as tested at both the ground and first floor windows and I am satisfied that as tested at the closest point to the appeal site, the 45 degree line as taken from the mid-point of the window (as advised in the SPG) would therefore not be breached. Given the existing separation between the two properties and the graduated nature of this element of the proposals, the impacts to occupants at no. 54 would not be harmful by way of loss of light. The outlook from the rear windows to no. 54 are already towards the brick boundary walls and garage building.
10. The appeal scheme would not have significant enclosing or shading effects on the neighbouring property given the marginal increase in the height of the existing wall and because the roof of the extension would slope away.

¹ Residential Extensions and Alterations Supplementary Planning Guidance (February 2010)

Assessing the scheme against the existing and proposed site circumstances show that the changes would not harm the living conditions of the occupiers of 54 Maida Avenue with regard to light and outlook.

11. Taking all of the above into account, the proposal would therefore accord with the objectives of Policies DM4, DM29 and DM32 of the Local Plan² (Local Plan) which expect development to, amongst other things, protect the living conditions of occupiers of neighbouring properties .

Other Matters

12. The Council has referred to a previously refused planning application (ref. 202603) however I have not been furnished with the full details of this decision and proposals, and I can only assess the current proposal on the basis of the information before me.

Conditions

13. In addition to the standard timescale for implementation condition, it is necessary to attach a condition confirming the approved drawings in the interests of certainty. In the interests of the character and appearance of the area, I have also imposed a condition to ensure that the external materials would match the existing.

Conclusion

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

Rebecca Thomas

INSPECTOR

² Waltham Forest Local Plan – Development Management Policies (October 2013)