



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/21/3273227

40 Aubrey Road, Walthamstow, London E17 4SL

- 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 Dr Catherine Jean Horsfield against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 203741, dated 3 December 2020, was refused by notice dated 3 March 2021.
 - The development proposed is First floor front and rear extension, and raised ridge line.
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Decision

The appeal is allowed and planning permission is granted for First floor front and rear extension, and raised ridge line at 40 Aubrey Road, Walthamstow, London E17 4SL in accordance with the terms of the application Ref 203741 dated 3 December 2020 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 01A; Plans Ground Floor First floor Roof Existing 001; Elevations – Front & Rear Existing 002; Section – Existing 003; Plans – Ground Floor First floor Proposed P010; Plans – Roof Proposed P020; Elevations – Front & Rear Proposed P050; Section – Proposed P070.

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 first floor front extension and first floor rear extension. Hip to gable side roof extension including raising the ridge of the existing roof. New roof lantern and bi-fold glazed doors to existing single storey rear extension."*
2. 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 Issues

3. The Council's decision notice provides four reasons for refusal. Nonetheless, I consider that reasons 1, 2 and 3 consider similar grounds such that there are two main issues in the appeal, these being the effect of the proposal upon the character and appearance of the existing building and the surrounding area and on the living conditions of the occupiers of 41 Aubrey Road with particular regard to outlook.

Reasons

Character and appearance

4. The site is an end of terrace dwelling located on a short run of two storey dwellings with tiled and hipped roofs. This short terrace is set between dwellings within the residential street of Aubrey Road. There is a variety of styles and materials used, with alterations apparent as seen from the street. The appeal site is set back from the road, and set behind the principal elevation of no. 39A, which is of different design and materials, and with a roofline which stands above no. 40. The road rises uphill as travelling from north to south, and this change in levels is apparent in the stepped ridgelines and roofs which can be seen throughout the street.
5. No. 40 currently features a small infill porch and set back first floor extension to the side. The proposed development would introduce an extension above this porch area, flush with the existing front elevation. Whilst the amendment to the roof would create a change to the end of the terrace, the resultant step in roof levels is not uncommon in Aubrey Road and the surrounding area and so would not cause harm to the character and appearance to the host dwelling nor the terrace. I note that the opposing end of the terrace (no.43) has a similar relationship with no. 44. Whilst these two properties are not attached, there is a difference in roof height and also type.
6. The proposals include a rear infill element and extension to the first floor. Whilst there may be no full width first floor extensions within the wider terrace parade, as observed by the Council, this alone does not persuade me that the development would be harmful to the character and appearance of the host dwelling or the local area. This element of the proposal would not be easily seen from the public domain, and even so, the proposal would not protrude beyond the existing first floor extension which exists.
7. The new extension has been well designed and by using matching materials would complement the character of the house and as such the local area. I consider that the alterations to the roof height would ensure a positive contribution to the varied and distinctive character of the area, and also has regard to the changing levels of the street as it rises uphill.
8. I have had regard to the above considerations in the contexts of the National Planning Policy Framework (The Framework) and the Local Plan¹ and Core

¹ ¹ Waltham Forest Local Plan – Development Management Policies (October 2013)

Strategy² policies CS2, DM4 and DM29, which amongst other things, seek to protect local character.

Living Conditions

9. The outlook from the first floor is toward the garden, and includes the existing extensions at the appeal site. The development would introduce a further extension, including the closest wall which would be angled away from the neighbour at no. 41 and would not protrude any further forward than the existing first floor here. The appellant has provided a diagram which provides an illustration of the extent of outlook available to the closest first floor window at no. 41. This demonstrates that the development would not breach the outlook and I have no further evidence to demonstrate to the contrary. I noted that the window is not located immediately adjacent to the proposed development, thus allowing for views as shown in the diagrams. The proposed development would be experienced in the context of the existing development at the appeal site, and the angle and height of the proposed addition would not harm the living conditions of the occupiers of no. 41.
10. I have had regard to the guidance in the Council's Extensions and Alterations Supplementary Planning Guidance³ (SPG), in particular the guidance for the outlook which confirms that the Council will ensure that extensions would not harm privacy and outlook. Taking into account the above, I consider that the proposed development would not be contrary to this guidance. The proposal would therefore accord with Local Plan Policies DM4, DM29 and DM32 and Core Strategy Policies CS2, CS13 and CS15 which expect development to, amongst other things, protect the living conditions of occupiers of neighbouring properties.
11. The proposals would accord with the National Planning Policy Framework which requires, at paragraph 130, development to be visually attractive and sympathetic to local character to create high quality buildings and spaces.

Conditions

12. 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

13. 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 – Core Strategy (March 2012)

³ Residential Extensions and Alterations Supplementary Planning Guidance (February 2010)