



Appeal Decision

Site visit made on 8 September 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 DECEMBER 2021

Appeal Ref: APP/U5930/D/21/3275993

20 Penrhyn Crescent, Walthamstow E17 5BH

- 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 Bailey against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 210358, dated 8 February 2021, was refused by notice dated 31 March 2021.
 - The development proposed is Demolition of existing single storey rear extension and erection of single storey rear extension. Total depth 5.0m, max height 3.37m, eaves height 2.53m.
-

Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing single storey rear extension and erection of single storey rear extension. Total depth 5.0m, max height 3.37m, eaves height 2.53m at 20 Penrhyn Crescent, Walthamstow E17 5BH in accordance with the terms of the application Ref 210358 dated 8 February 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 development hereby permitted shall be carried out in accordance with the following plans: 01 Ground Floor Plans; 02 First Floor Plans; 03 Loft Plans; 04 Roof Plans; 05 Front Elevations; 06 Rear Elevations; 07 Section A-A; 08 Block Plans; 09 Location Plans; 10 Existing Site Photos; 11 Material References.

Procedural Matters

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 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

3. The main issue is the effect of the proposal on the living conditions of the neighbours at 18 and 22 Penrhyn Crescent in terms of outlook and light.

Reasons

4. There is an existing single storey dual pitched conservatory with UPVC on a brick plinth set to the appeal property. The proposal would replace the existing structure with a timber clad extension which would be slightly wider and deeper than the existing. Whilst the proposed development would be dual pitched, this would be asymmetrical with a rooflight provided to the slope facing no. 18.
5. The proposed extension would conflict with the Council's SPD¹ which confirms that rear extensions should generally be up to 3m from the back of the house. The SPD says that anything beyond this is likely to be too overbearing for neighbours, but this will depend on the arrangement of the back of the house and neighbouring properties. The appellant has provided further details relating to an appeal decision (APP/U5930/D/17/3181785) in the context of the SPD and more recently adopted national guidance in the form of the National Planning Policy Framework (The Framework) and the amendments to the GPDO². Given the 2019 amendments made to the GPDO since that appeal, which permit larger extensions indefinitely, I see no reason to disagree with the conclusions made by the Inspector, who did not apply substantive weight in determining that appeal. Thus I concur that although the SPD provides useful guidance I consider that it cannot be prescriptive and limited weight must be applied in my decision.
6. I was able to see that no. 22 has an existing rear extension which protrudes beyond the existing conservatory at the appeal site. This rear extension has a solid flanking wall with parapet and the proposed development would extend beyond this extension. The outlook for the occupants at no. 22 would not be significantly altered, and given the orientation south of the appeal site, I am satisfied that there would be no harmful loss of light or outlook as a result of the proposals.
7. I was able to see at my site visit that no. 18 has a partially glazed door and a narrow window closest to the boundary with the appeal site. Beyond this, there is a triple window. I consider that the outlook from the door and small window would not be unduly harmed due to the nature of its function. Taking into account the distance from the appeal proposal to the triple window, I consider that there would be no harm to occupiers of no. 18 by way of loss of light or impact to outlook.
8. Furthermore, permitted development rights allow for an extension up to 6m deep alongside the neighbouring properties, up to a maximum height of 4m. The proposal would remain below both this maximum height and depth and I note that the eaves level would be lower than the existing, thereby limiting the extent of solid wall along the boundary to each neighbour. I am aware of a previously refused prior approval application however I have not been furnished with the details of this refusal and this fact and all other matters raised do not outweigh the above findings.

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

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

9. Taking into account the above, I consider that the proposed development would not harm the living conditions of the occupiers of 18 and 22 Penrhyn Crescent with respect to outlook and light. The site specific circumstances of this appeal mean that the scheme would accord with Local Plan³ Policies DM4, DM29 and DM32 and Core Strategy⁴ Policies CS2, CS13 and CS15 which expect development to, amongst other things, protect the living conditions of occupiers of neighbouring properties.

Conditions

10. 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.

Conclusion

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

Rebecca Thomas

INSPECTOR

³ Waltham Forest Local Plan – Development Management Policies (October 2013)

⁴ Waltham Forest Local Plan – Core Strategy (March 2012)