



Appeal Decision

Site visit made on 29 November 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/U5930/D/21/3278573

43 Pretoria Road, Leytonstone, London E11 4BB

- 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 S Begum against the decision of Waltham Forest London Borough Council.
 - The application Ref 210793, dated 15 March 2021, was refused by notice dated 1 July 2021.
 - The development proposed is single storey rear/side extension, dormer roof extension to main rear roof and rear section together with two front roof lights.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the appeal property and the area; and the living conditions of the occupiers of No 41 Pretoria Road, having regard to privacy, and the occupiers of No 45 Pretoria Road, with respect to natural light and outlook.

Reasons

Character and appearance

3. The appeal property is a two-storey mid-terrace Victorian or Edwardian house. It has a front-to-back hipped main roof and a narrower, subservient two-storey gabled rear wing with a single storey lean-to style outhouse on the end. It has otherwise not been greatly altered externally and forms part of the distinctive regimented pattern of similar houses in this street and the local area.
4. The single storey rear extension would, in part, replace the outhouse. However, it would infill the entire narrow yard space between the side elevation of the rear wing and the boundary wall and side elevation of a single storey rear extension at No 41. It would also project further in depth, beyond the end of the rear wing, to return across the full width of the appeal property. It would, therefore, wrap around the entire perimeter of the ground floor rear elevation as a single continuous band of flat roofed built form. While the vertical height of this part of the proposal would not in itself be unduly dominant, its cumulative layout, scale, massing and bulk would nonetheless substantially change the design and appearance of this part of the ground floor and floorplan from a stepped shape, which would no longer be legible, to a square profile.
5. The extension at No 41 is similar to this part of the proposal except that it does not completely infill the side yard space, which is mostly covered over with

translucent roofing sheets and high level side windows. This means that it is still possible to appreciate most of the original stepped in arrangement of the ground floor and floorplan of that house. Aside from No 41, a stepped rear elevation in the other three houses in this particular terrace block of five houses is largely intact, as it is in many of the similar types of terraced houses nearby. While there are also some terraced houses with square profile single storey ground floor rear extensions, these match the square form of those houses as they do not have a rear wing.

6. The conventional part of the L-shaped dormer roof extension would be in the rear slope of the main roof with a Juliette balcony. While not a type of extension present in this terrace of five houses, it would, if constructed in isolation, be similar in form and nature to others in some nearby houses.
7. On one side, it would project away from the main roof, in-depth, over the entire first floor of the rear wing. It would step down in height slightly and not exceed the highest part of the main roof. However, this significantly larger part of the dormer roof extension would obliterate nearly all of the structure and form of the shallow pitched gable roof and replace it with a vertical sided, flat roof structure. This would leave a narrow remnant of the pitched roof which would appear as an awkward adjunct next to the vertical side elevation of the dormer. In particular, it would substantially increase the overall scale, massing and bulk of built form at this most exposed, highest second floor level. It would, as a result, be overly dominant, incongruous and significantly jar in stark contrast to the largely intact rear wings of this terrace of five houses.
8. I have been referred to a number of aerial images purporting to show the same or similar ground or upper floor extensions elsewhere. I do not know if these required planning permission or if permission was granted. Even if individual parts of the proposal are present, it is not clear that these schemes included the totality of the proposal. Moreover, most do not relate to houses in Pretoria Road or houses that have a meaningful visual or spatial context with the appeal property, or even to houses in Leytonstone, and many include houses which do not have a stepped subservient rear wing. The specific circumstances of these examples are not, therefore, directly comparable to this current case.
9. Taking all of the above into account, I find that the proposed single storey rear extension and the L-shaped dormer roof extension would fundamentally unduly alter the design, form, proportion and appearance of the appeal property in an unsympathetic and unacceptable way. The absence of any appreciable public visibility does not mean the absence of intrinsic harm in these regards and the proposal would, nonetheless, be manifestly at odds and out of keeping with significant elements of the appeal property that are important to the architectural and historic provenance of the building. It would, therefore, cause significant harm to the character and appearance of the appeal property and to the area in which it is situated.
10. Consequently, it would not comply with the Council's Core Strategy¹ (CS) Policy CS15 or with the Council's Development Management² (DM) Policy DM4. These policies include that development should respond positively to local context and character, having regard to height, scale, block structure and building typology, and promote distinctiveness with extensions that relate to the original host

¹ Waltham Forest Local Plan Core Strategy, March 2012

² Waltham Forest Local Plan Development Management Policies, October 2013

building, retain existing traditional features and respect the character of the area.

Living conditions

11. The rear dormer roof extension includes a single 'flank' window that would face towards No 41, including some windows. However, it would be for a bathroom and a planning condition could ensure that this window was fitted with obscured glazing and so that no part that is less than 1.7m above the floor of the room could be opened. This would, therefore, result in no unacceptable overlooking.
12. The side elevation of the ground floor flat roof extension would extend beyond the rear wing of the appeal property by 3.31m, along the common boundary with No 45, and be 2.89m high to eaves level. It would be in close proximity to a window in No 45 which, in the absence of evidence to the contrary, I have assessed as a habitable room. I do not have the benefit of the BRE³ tests that are referred to in the Council's officer report.
13. A significant part (upper band) of the side elevation would be visible above the height of a usually expected 1.8m or 2m high boundary fence or wall. However, it would not be excessively tall or long. Moreover, it would, in any event, replace the outhouse which is about 2.5m long and the side elevation varies in height between about 2.75m (closest to the window) and 2.5m at the eaves level. In this respect, the extension would, therefore, have limited additional scale and massing compared to what exists.
14. Consequently, it would have little appreciable effect on natural light received by this window, including from a higher elevation over the extension in the morning. Moreover, the rear of No 45 has a mainly southerly facing orientation and while there are trees at the ends of rear gardens, these gardens are long and opposing houses are distant, such that natural light would not be restricted during the rest of the day. Furthermore, it would also not significantly obstruct outlook from the window and, to the limited extent that it would, this would be in one direction only. Perpendicular views down the garden and views in the other direction would not be materially affected. While the extension would give an increased sense of enclosure, it would be to a limited extent and so not unduly overbearing.
15. Notwithstanding the above, while the Council's Residential Extensions and Alterations supplementary planning document refers to a 'rule of thumb' for 3m long rear extensions, this guidance was adopted in February 2010. I note that a single storey rear extension at the appeal property could fall within the relevant current provisions of permitted development under Class A of the GPDO⁴ and have the same or similar effects in relation to No 45 as the proposal. Given the appeal application and the appellant's requirements, there is therefore at least a tangible prospect that such development could occur.
16. Considering the above, I find that the proposal would not harm the living conditions of the occupiers of No 41 Pretoria Road, having regard to privacy, or the occupiers of No 45 Pretoria Road, with respect to natural light and outlook. Consequently, it would comply with CS Policy CS13 and DM Policies DM4 and DM32. These policies include that development should ensure satisfactory

³ Building Research Establishment

⁴ Town Country Planning (General Permitted Development) Order 2015, as amended

amenity for surrounding occupiers and avoid excessive loss of residential amenity having regard to daylight, sunlight, outlook and privacy.

Other Matters

17. I appreciate that this is a revised proposal which the appellant considers overcomes the Council's previous reasons for refusal. However, I have determined the appeal on its individual planning merits and my decision relates to the particular proposal before me.

Planning Balance

18. I have had regard to the appellant's personal statement and to my internal inspection of the appeal property. I sympathise with the appellant's existing living arrangements and need for additional space. Meeting people's housing needs would broadly reflect objectives of the National Planning Policy Framework (Framework). However, the development in this case would remain long after these personal circumstances have ceased to be material. I therefore give limited weight to this consideration. There would be some economic benefit from employment during construction and supply of materials and the new living accommodation would make a small contribution to reducing energy consumption. Commensurate with the small-scale of the proposal I give limited weight to these matters.
19. The proposal would not harm the living conditions of the occupiers of Nos 41 or 45 Pretoria Road and would be aligned with the Framework which seeks to achieve a high standard of amenity for existing residents. The appeal property is not a listed building or in a Conservation Area. The absence of harm in these regards, and compliance with the Council's development plan and the Framework, are neutral factors in my decision.
20. However, the proposal would cause significant harm to the character and appearance of the appeal property and the area. I give substantial weight to these considerations. It would also conflict with the Framework which seeks to achieve well-designed places and ensure that development adds to the overall quality of an area, is visually attractive as a result of good architecture and layout and is sympathetic to local character and history, including the surrounding built environment.

Conclusion

21. The proposed development would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
22. Therefore, for the reasons given above, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR