



Appeal Decision

Site visit made on 8 December 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2021

Appeal Ref: APP/U5930/D/21/3284475

17 Boundary Road, Walthamstow E17 8NL

- 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 Miss Natalie Gordon against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 210040, dated 7 January 2021, was refused by notice dated 7 September 2021.
 - The development proposed is the construction of a single storey side infill and rear extension. Works include the creation of a rear first floor Juliette balcony, installation of a new front door and window to the side elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey side infill and rear extension. Works include the creation of a rear first floor Juliette balcony, installation of a new front door and window to the side elevation at 17 Boundary Road, Walthamstow E17 8NL in accordance with the terms of the application, Ref 210040, dated 7 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0000_00; 0000_01; 0000_02; 0000_03; 0000_04 Rev C and 0000_05 Rev B.
 - 3) 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the eastern elevation of the rear extension hereby permitted.
 - 5) The roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matter

2. Upon reviewing the documents accompanying the appeal it is evident that the description of development provided on the application form does not fully reflect the proposals shown on the drawings (e.g. the loft conversion and

erection of rooflights are omitted). For reasons of clarity, the description of development included on the Council's decision notice has been adopted.

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 15 Boundary Road.

Reasons

4. Although the proposed development includes other elements, the Council's objection to the appeal scheme is focused upon the erection of a single storey extension which would wrap around the 2-storey outrigger of this 2-storey terraced dwelling. A similar addition has been erected at 19 Boundary Road, which neighbours the property, and other dwellings within the terrace possess single storey rear extensions.
5. Policy DM4 of the Waltham Forest Local Plan Development Management Policies (DMP) seeks to protect nearby occupiers of the existing building and properties from suffering any excessive loss of residential amenity associated with residential extensions and alterations. This approach is echoed in Policy CS13 of the Waltham Forest Local Plan Core Strategy (CS). It is, however, noted that DMP Policy DM32 also refers to residential extensions and alterations maintaining daylight/sunlight and outlook for existing neighbours' homes and gardens.
6. A 3.7 metre long flank wall would be erected close to the shared boundary with No. 15. This neighbouring property has been sub-divided into flats. It is understood that No. 15A is the ground floor flat and within the rear elevation of this property's outrigger is a window which serves a kitchen/dining area for this flat. The proposed development would not impact upon the occupiers of the first floor flat (No. 15B). Within the side elevation of No. 15A are a glazed door and a window which provide some daylight to the kitchen/dining area.
7. Although the internal configuration of the kitchen/dining area of No. 15A has not been provided, from what could be observed through the window it appears that the area is of a similar size as the kitchen of the appeal property (i.e. circa 15sq m). The Council's *Residential Extensions and Alteration Supplementary Planning Document* (SPD) identifies that habitable rooms include all rooms normally used for living and sleeping, as well as kitchens of 13sq m or more in size.
8. By reason of siting and scale the side elevation of the proposed extension sited adjacent to the shared boundary would affect the outlook from the rear window. However, the main outlook from this window would remain principally towards the rear garden of No. 15. Accordingly, the proposed extension would not cause an excessive loss of outlook so as to amount to an overbearing form of development.
9. By reason of siting, scale and orientation, the Council claim that the proposed extension would have an adverse impact on levels of sunlight reaching the rear window of No. 15A notwithstanding that there are side openings. However, the general levels of sunlight and daylight reaching the rear window and the kitchen/dining area would still be maintained rather than be excessively reduced. Even when taken cumulatively, the effects on outlook, daylight and sunlight would not amount to an adverse effect on the living conditions of the

occupiers of No. 15A. Instead, their living conditions would generally be maintained.

10. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 15 Boundary Road and, as such, it would not conflict with CS Policy CS13, DMP Policies DM4, DM29 and DM32 and the SPD. CS Policies CS2 and CS15 concerning general design requirements are not of direct relevance to the main issue.

Conditions

11. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity and certainty, a condition is necessary to ensure the proposed development is undertaken in accordance with the approved drawings. To assimilate the proposed development into the surrounding area, a condition requiring the external materials matching those of the host property is necessary.
12. To protect the privacy of the occupiers of neighbouring properties conditions to preclude the use of the proposed extension's roof for amenity purposes and the erection of windows in the side elevation facing No. 15A are necessary. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR