

Appeal Decision

Site visit made on 7 December 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH December 2021

Appeal Ref: APP/U5930/D/21/3280679

3 Woodville Road, London E11 3BH

- 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 Bryan Paveley against the decision of the Council of the London Borough of Waltham Forest.
 - The application, Ref. 211369, dated 6 May 2021 was refused by notice dated 30 June 2021.
 - The development proposed is the construction of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear extension at 3 Woodville Road, London E11 in accordance with the terms of the application, Ref. 211369, dated 6 May 2021 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with 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 approved plans: Drawing Nos. A.1; A.2; A.3; A.4; A.5; A.6; A.7; A.8; A.9; A.10 & A.11;
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and/or re-enacting that Order, no additional windows shall be inserted in the elevations of the extension hereby permitted.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for the occupiers of No. 5 Woodville Road as regards outlook and light.

Reasons

3. As the appellant points out, the phrase '*highly dominant and insubordinate addition*' appear to have been randomly imported into the Notice of Refusal without any justification on the basis of either the officer's report or the
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proposed development itself. However, turning to the Council's more relevant concerns relating to a loss of outlook and light, I saw on my visit that the boundary between Nos. 3 and 5 is a standard wood panelled fence about 1.8m in height. This currently comprises the immediate outlook from a ground floor window and a clear glazed door in the flank of the two storey rear return of No. 5. Under the appeal proposal this would be replaced by the side wall of the proposed extension with its height of 2.4m (the Council says 2.6m).

4. The outlook through the window and door would not be significantly altered by this limited increase in height, especially bearing in mind that the roof would slope away towards the main building of No. 3. The occupiers of No. 5 also have the benefit of a window in the rear wall of the kitchen with an outlook over the garden. The outlook from the window in the main rear elevation of No. 5 would only have oblique views of the extension, as is already the case with the boundary fence.
5. Turning to the issue of light, as the rear of Nos. 3 and 5 face north east, the issue of sunlight does not arise. This is demonstrated in the grounds of appeal by the aerial photograph and the indicator of the sun's daily path. And in terms of daylight the increased height on the boundary is unlikely to have no more than a marginal effect on part of the dwelling that with this northerly aspect and already facing a two storey rear return at No. 3 cannot have a reasonable expectation of good daylight levels in this part of the dwelling.
6. Overall and bearing in mind the appellant would have a 'fall back' through permitted development of a height of 3m on the shared boundary, I conclude that the light and outlook for the occupiers of No. 5 Woodville Road would not be materially affected. Accordingly, there would be no harmful conflict with Policies CS2, CS13 & CS15 of the Waltham Forest Local Plan - Core Strategy 2012; Policies DM4, DM29 & DM32 of the Waltham Forest Local Plan - Development Management Policies 2013; the Council's Residential Extensions and Alterations SPD 2010, and paragraph 130f) of Government policy in the National Planning Policy Framework 2021.
7. In reaching my decision I have also noted that the occupiers of No. 5 have not objected to the appeal scheme. Whilst in itself this is not a deciding factor, it is nonetheless indicative that the only persons affected by the development appear not to have significant concerns as to its effect on their living conditions. It is also a factor that has persuaded me in this particular appeal not to give full weight to the discouragement of L-shaped extensions in the Council's SPD. In so doing I have also borne in mind that any future occupiers of No. 5 would be able to decide for themselves whether the rearward aspect of the dwelling is acceptable and additionally have the option to undertake a similar extension.
8. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt, whilst a matching external materials condition will maintain visual amenity. A condition withdrawing permitted development to install further windows will safeguard the privacy of the neighbours.

Martin Andrews

INSPECTOR