



Appeal Decision

Site visit made on 4 January 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/U5930/W/21/3273090

14 Falmer Road, London E17 3BJ

- 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 Rosie Nicolson against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 210076, dated 1 February 2021, was refused by notice dated 9 April 2021.
 - The development proposed is described on the application form as 'construction of dormer roof extension to main rear roof (with bifold doors and enclosed balcony) extension above two-storey rear projection together with installation of three roof lights to front roof'.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a dormer roof extension to the main rear roof (with bifold doors and enclosed balcony) and extension above the two-storey rear projection, together with the installation of three roof lights to the front roof slope at 14 Falmer Road, London E17 3BJ in accordance with the terms of the application, Ref 210076, dated 1 February 2021, subject to the conditions appended to this decision.

Preliminary Matters

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. This does not materially change the planning policy context in respect of the main issues.
3. An emerging Borough Local Plan is currently at an early stage of examination and as such may only be accorded limited weight.
4. The Council does not object to the installation of three roof lights to the front roof slope, and from my site visit this element of the proposal would assimilate to an acceptable standard with the surrounding area.

Main Issue

5. The main issue is the effect of the development proposed on the character and appearance of the surrounding area.

Reasons

6. No 14 is a mid-terraced house in a street of similarly sized properties (here, split into two flats). The rear of the appeal property, as with many of its neighbours, has an historic two-storey outrigger. It is over both the main rear

- roof slope and roughly half the length of the outrigger that the loft extension is proposed.
7. During my site visit, I was able to identify several nearby properties that benefited from existing roof extensions, both along Falmer Road and within neighbouring streets. Many of these are visible from public vantage points. Some of the extensions exist over the main rear roof slope only, whereas others also extend over part of the outrigger (where an outrigger exists). Such extensions seemed to have become somewhat characteristic of the area.
 8. One such extension exists at No 8 Falmer Road and the appellant has drawn my attention to a recently granted Certificate of Lawful Development here, under Ref. 191944 (this would appear, broadly, to match what I saw on site). The appellant has also drawn my attention to existing roof extensions at Nos 2, 6 and 26 Falmer Road, although I could not clearly see all of these during my site visit.
 9. I accept that the proposed extension would result in a change to the appearance of the host property (confined predominantly to the rear). However, the proposed extension at No 14 is not unusual in its design, scale or form for such an urban environment. It is set back from the eaves, providing some visual relief, and does not extend along the full length of the outrigger.
 10. I find that its design would ensure that the extension remains subservient to the original dwelling, with materials to match the existing. The extension would be visible mainly from private vantage points (rear facing windows and rear gardens). From that perspective, the proposal would have little appreciable effect on the street scene. Viewed from the rear of neighbouring properties, the extension would not appear incongruous relevant to the wider terrace where similar extensions already exist.
 11. The Council contends that there are limited planning records to correlate with the extensions variously referred to above and that, where subject to permitted development rights, these should not form a precedent for future similar developments. I also note that the Council's Residential Extensions and Alterations SPD generally discourages the development of L-shaped roof extensions (the proposal would fit this description). This is justified on the grounds that such extensions would have "too great a visual impact on the character of the original building".
 12. Nevertheless, and irrespective of the procedure by which the extensions came forward, they do exist, and it cannot be said that the prevailing character of the street and surrounding area is one of unaltered or uniform roof slopes. I also note that there is no indication in the evidence before me of any enforcement action being taken, or considered, in respect of the foregoing extensions. As reasoned above, the proposal would assimilate acceptably with the current context of its surroundings, and its detailed design would be acceptable.
 13. Consequently, I find that the proposed extension would accord with the relevant provisions of policy CS15 of the Core Strategy (2012), policies DM4 and DM29 of the Development Management Policies Local Plan (2013) and the Residential Extensions and Alterations SPD (2010), which in summary seek to support local distinctiveness, good design and ensure that new extensions relate to the original host building, respect the street scene and character or

the area. Similarly, the proposal would accord with the relevant provisions of Framework paragraph 130 which, in summary, seeks to achieve good design.

Other Matters

14. I note a neighbouring objection on grounds of potential overlooking associated with the proposed terrace. However, given the spacing between and relationship of the proposal to other properties, prevailing levels of intervisibility in the area, and the proposed 1.8 metre wall edging the terrace by way of screening, there would be no unacceptable effect in this respect. I note, moreover, that the Council does not object to the scheme on this basis.

Conclusion

15. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

16. In addition to requiring commencement with the standard legislative timeframe, a second condition requiring compliance with the relevant plans and a third condition requiring that the external surfaces of the development match the existing building. These are imposed in the interests of certainty and to protect the character and appearance of the area. With reference to my reasoning in paragraph 14 of this decision, it is further necessary to impose a condition requiring that the screen to the balcony is installed before that area is used as such.
17. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.

A Price

INSPECTOR

SCHEDULE OF CONDITONS

- 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: 0001 B; 1101 B 1102 B; 1103 B; 1200 B; 1300 B; 1301 B; 1302 B.
- 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing building.
- 4) Before the balcony hereby permitted is first brought into use the 'new 1.8m high timber framed wall with tiled cladding to edge of balcony' shown on approved plan 1301 B shall have been installed (and, once installed, shall thereafter remain).