



Appeal Decision

Site visit made on 15 February 2022

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/U5930/C/20/3258819

247 Murchison Road, Leyton, London E10 6LT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Laurente Mencarelli against an enforcement notice issued by the Council of the London Borough of Waltham Forest.
- The enforcement notice was issued on 7 August 2020.
- The breach of planning control as alleged in the notice is without planning permission, the development of a single storey side infill extension.
- The requirements of the notice are:
 - i. Demolish and remove the single storey side infill extension in its entirety.
 - ii. Reinstate the side wall of the outrigger as it existed prior to the breach of planning control.
 - iii. Make good any damage caused to the side wall of the outrigger as a result of the above requirement, using materials of a similar appearance to those used in the exterior of the existing house.
 - iv. Remove from the land all resultant debris as a result of the above requirements i), ii) and iii).
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the 1990 Act as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Main Issues

1. The ground (a) appeal is that planning permission should be granted for the matters alleged in the enforcement notice. The terms of the deemed planning application are derived from the allegation. Hence, planning permission is sought for the erection of a single-storey side infill extension.
2. The main issues are the effect of the development on (i) the living conditions of the occupiers of the host property and No 245, with regard to light and outlook, and (ii) the character and appearance of the host property.

Reasons

Living Conditions

3. The appeal property forms part of a terraced house located within a residential area. The premises has a two-storey rear outrigger, in common with the rest of the terrace. The houses all have modest rear gardens, which includes the space between the regularly spaced outriggers. The intervening yards provide access to the back doors and allow light into the rear rooms.

4. The extension has been built between the outrigger and the garden fence, within the yard area. It is positioned immediately in front of a window to a ground floor bedroom at the host property. The extension totally blocks the outlook from this main habitable room and significantly reduces light levels. The extension includes a number of windows, but these do little to alleviate the harm which results primarily from the siting of the structure.
5. The appellant argues that the bedroom is used mainly at night when light is limited anyway. Nonetheless, it is a main habitable room which the occupants may choose to use during the daytime. The premises currently appears to be occupied by an extended family with teenagers, who may need to use the room for study or leisure. I visited during the early afternoon and it was apparent that it would be necessary to have the light on permanently if the room were to be used during the daytime.
6. The space between the outrigger and the side boundary is narrow and the extension, although modest in size, occupies much of the gap. Consequently, the extension is relatively close to the neighbouring house at No 245. I note that No 245 has two ground floor windows, one of which serves a bedroom and the other a kitchen. The neighbour's kitchen window faces towards the side elevation of the extension and consequently, due to the proximity, the outlook from this window is impacted. In addition, the extension is likely to have an adverse impact on light and outlook from the bedroom window. I accept that the extension is a small addition and there is a narrow gap between the structure and the boundary. However, there is still harm due to its siting and relationship with the windows to main habitable rooms of the adjoining property.
7. I find that the development has an adverse effect on the living conditions of the occupiers of the host property and No 245, with regard to light and outlook. It is thus contrary to Policies DM4, DM29 and DM32 of the Local Plan Development Policies (2013), Policy CS13 of the Core Strategy (2012) and the Council's Supplementary Planning Document: Residential Extensions and Alterations (2010) which, among other things, seek to protect residential amenity and promote well-being.

Character and Appearance

8. The Council objects to the development due to its design and siting, and the use of render which does not match the stock brick of host property.
9. The extension is located at the rear and is not widely visible. The materials are in contrast to the brick, however, I saw a proliferation of outbuildings in the vicinity, which display varied materials and construction types. Overall, the extension is a relatively small addition, which is discreetly located. I do not consider that it is overly harmful to the character and appearance of the host property, but my concerns about the impact of the development on living conditions remain.
10. The development maintains the character and appearance of the host property and accords with Policies DM4 and DM29 of the Local Plan, Policy CS15 of the Core Strategy and Policy D4 of the London Plan (2021), which seek to ensure development respects the character of the area and existing patterns of development while being appropriate to its context.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

12. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Debbie Moore

Inspector