
Appeal Decision

Site visit made on 16 February 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 16TH March 2022

Appeal Ref: APP/U5930/D/21/3289187

10 Harvey Road, Leytonstone E11 3DB

- 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 Jethro East against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 212480, dated 29 July 2021, was refused by notice dated 23 September 2021.
 - The development proposed is the erection of a two-storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal the appellant has submitted an amended drawing which includes a reduced depth of the proposed single storey rear extension which forms part of the appeal scheme. Although of a smaller scale, the procedure for householder appeals does not allow for the Council or any third parties to be able to comment upon an amended scheme submitted at appeal stage. For this reason, and to avoid any potential prejudice being caused to the Council and third parties, this appeal has been assessed on the basis of the proposal which was considered by the Council.
3. Prior to the determination of this appeal the appellant brought to my attention that planning permission had been granted by the Council for the construction of a ground floor side extension (Ref 213960). The Council provided the approved drawings for this other scheme and it can be differentiated from the proposed development, including by being single storey, having a lower eaves height adjacent to the boundary with 12 Harvey Road, only projecting circa 3.8 metres to the rear of the property and the design not including a garage door facing the road. This appeal has, therefore, been determined based upon its own circumstances.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the streetscene and (b) the living conditions of the occupiers of 12 Harvey Road.

Reasons

Character and Appearance

5. The appeal property is an end of terrace 2-storey dwelling which has a large single storey rear addition. To the side of the property is a gated access way which is enclosed on the opposite side by 12 Harvey Road. Although there is a gated access serving Harvey Gardens opposite the property, the streetscene along Harvey Road is characterised by 2-storey terraced dwellings of varying designs sited to the rear of small front gardens. There are variations in the ridge heights but there is a rhythm to the terraces associated with the dwellings having ground floor bay windows.
6. The Council's *Urban Design Supplementary Planning Document* (UDSPD) refers to proposals needing to consider a site's context, including scale, height and massing. The Council's *Residential Extensions and Alterations Supplementary Planning Document* (RESPD) includes design guidance that domestic extensions should generally appear subordinate to the property and respect the streetscene and local character.
7. This design guidance in the UDSPD and RESPD is reflected in Policy CS15 of the Waltham Forest Local Plan Core Strategy (CS) and Policies DM4 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan (DMP). Amongst other matters these policies expect residential extensions to relate to the original host property and to respect the surrounding area's character. All development should be of a high standard of urban and architectural design which reinforces or enhances local character and distinctiveness.
8. The proposed development includes the erection of a 2-storey extension which would occupy the gap between the property and No. 12. Although the Council is concerned about the terracing effect of the appeal scheme and its scale not being subordinate to the host property, the proposed development would link 2 short terraces together and, within the context of the streetscene, the setting back of all or part of the proposed 2-storey extension is unnecessary. The proposed extension and host property's ridge height would be similar but the appeal scheme would not disrupt the character or appearance of the streetscene.
9. However, although the access way is gated, the proposed inclusion of a garage door at ground floor level within the 2-storey extension's front elevation would fail to respect the design, rhythm, character and appearance of the streetscene. The proposed garage door would fail to respect and relate to the bay windows which are a strong feature of other terraced dwellings fronting the road and, as such, it would be a conspicuous and incongruous feature within the streetscene.
10. Accordingly, because of its design it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with CS Policy CS15, DMP Policies DM4 and DM29 and the design guidance included in the UDSPD and RESPD. CS Policy CS2 is not of direct relevance to the design of residential extensions because it is primarily concerned with housing quality and choice. DMP Policy DM32 is directed at living conditions and standards and addressed below.

Living Conditions

11. As part of the proposed extension there would be a single storey element which would project rearwards and be of a similar depth to the existing addition at the rear of the property. This single storey element would be sited adjacent to the shared boundary with No. 12.
12. Within side of the outrigger of No. 12 is a ground floor window serving a kitchen and there is a door and window within this outrigger's rear elevation. The opening within the main rear elevation of No. 12 serves a bathroom. As with other neighbouring terraced dwellings the garden associated with No. 12 is not particularly large.
13. From the kitchen window and garden of No. 12 the existing addition to the rear of the host property is a visually dominant form of development despite being set well back from the shared boundary. By reason of its siting, depth and height, the proposed single storey element of the appeal scheme would represent an overbearing form of development for the occupiers of No. 12 when viewed from the openings and garden of this neighbouring property. Further, the scale and siting of the single storey extension would reduce levels of day and, in the evenings, sunlight reaching the garden and kitchen window of No. 12. The reduction in levels of sun and day light reaching No. 12 would not alone be a sufficient reason for this appeal to fail but does add to the unacceptable harm which has been identified.
14. On this issue it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupier of 12 Harvey Road and, as such, it would conflict with DMP Policies DM4 and DM32 and the guidance in RESPD which seeks to protect the occupants of nearby properties from loss of amenity and to ensure that daylight and outlook is maintained. A specific conflict with the health and wellbeing criteria of CS Policy CS13 has not been identified.
15. Accordingly, and for the reasons given, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR