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# Appeal Decision

Site visit made on 8 March 2022

**by Peter White BA(Hons) MA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 March 2022**

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**Appeal Ref: APP/U5930/W/21/3276098**

**236B Grove Green Road, Leytonstone E11 4EN**

- 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 Gabriel Botsie against the decision of London Borough of Waltham Forest Council.
  - The application Ref 210460, dated 16 February 2021, was refused by notice dated 4 May 2021.
  - The development proposed was originally described as "The proposed works at the top floor flat (no. 236B Grove Green Road, E11 4EN) entail the construction of a new modest extension to the rear of the closet wing roof of the existing mid terrace property".
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development comprises the construction of an extension over the two-storey rear projection. That was also the way the Council dealt with the proposal, and I have considered the appeal on the same basis for clarity.

## Main Issue

3. The effects of the proposed development on the character and appearance of the building and the surrounding area.

## Reasons

4. The appeal site is a residential flat on the north-western side of Grove Green Road. It comprises the first and second floors of the mid-terrace building, which has a partial-width two-storey rear extension ("the rear projection"). Its second floor is a converted loft with a full-width rear dormer window. Beyond gardens to the rear, a terrace of dwellings on Ashville Road provides a sense of enclosure for the rear elevations and private gardens of properties on both streets, and is a prominent feature from the rear of the appeal building.
5. The proposed development is the upward extension ("the proposed roof extension") of part of the rear projection to accommodate a study/guest bedroom, with internal modifications to the first-floor kitchen and bathroom.

6. In general terms, Waltham Forest Local Plan Core Strategy (2012) Policy CS15, and Waltham Forest Development Management Policies Local Plan (2013) Policies DM4 and DM29 require development to relate well to its host building and respond positively to local context and character. The Residential Extension and Alterations Supplementary Planning Document ("the SPD") at Section 5.2.4 advises that, where a building has an L-shaped footprint, planning permission will not normally be granted for dormer extensions that "turn the corner of the L-shape to create one large extension". The SPD advocates considering two smaller dormers, as an alternative, where to do so would not give rise to overlooking.
7. The appellant describes the proposed roof extension as "a distinct separated – yet adjoining – roof extension", and distinguishable from the existing rear dormer through use of different external materials, fenestration, lower height, and setback from the eaves. The proposed roof extension would also be set back from the rear elevation.
8. Notwithstanding the differences in the external design of the existing and proposed roof extensions, the plans show that, once completed, they would link to form an L-shape. The SPD advises that L-shaped dormer roof extensions would have too great a visual impact on the character of the original building. I consider that that would be the case here and, in my view, there would be no particular benefit in different designs for the existing and proposed elements in terms of their visual effect. Although the proposed extension would be set back from the rear elevation, set in slightly from the eaves, and lower than the existing dormer, it would be seen as a large and bulky upward extension beyond the height of the extension roof. As a result, it would be harmful to the character of the existing rear projection, the character and appearance of the terrace, and of the area generally.
9. The appellant refers to 204, 206, 220 and 254 Grove Green Road and 112 and 120 Ashville Road where L-shaped dormers have been constructed. The Council states that none of those developments were carried out with planning permission, and that permission has been refused for one of them, although it is not clear to me whether the Council has taken account of permitted development rights.
10. The Council has not disputed the appellant's claims that substantial roof extensions could be carried out as permitted development on dwellings in the area. However, as the appeal building is divided into flats, planning permission is required for the appeal proposal. At present such developments have not become so commonplace that they have become part of the established character of the area. I am not persuaded that development I have found to be harmful should be allowed on the basis of potential development on other properties in future.
11. I acknowledge that the proposed development would enable the owner to provide additional accommodation and a new home office space, and would positively contribute to the quality of life for residents of the flat. However, I am required to deal with the appeal before me on its own merits. I am unable to give weight in my decision-making to interactions between the appellant and the Council, or the absence of them, during the application process.
12. Considering all of the above, I conclude that the proposed development would be harmful to the character and appearance of the building and the area. It

would therefore conflict with Waltham Forest Local Plan Core Strategy (2012) Policy CS15, with respect to well-designed buildings, Waltham Forest Development Management Policies Local Plan (2013) Policies DM4 and DM29 with respect to design principles, and Waltham Forest Supplementary Planning Document Residential Extension and Alterations (2010) as it relates to roof extensions.

### **Other Matters**

13. I note the concerns of a neighbour in relation to effects of the proposed development on 238 Grove Green Road in terms of light and privacy. As I am dismissing this appeal for other reasons, I have not dealt with these matters further.

### **Conclusion**

14. For the reasons given above, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal should be dismissed.

*Peter White*

INSPECTOR