
Appeal Decision

Site visit made on 23 February 2022 by B Phillips BSc MSc MRTPI

Decision by Louise Nurser, BA (Hons) Dip Up MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/U5930/W/21/3277641

1 Valley Side, Chingford E4 7SR

- 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 Ali Kosele against the decision of Waltham Forest London Borough Council.
 - The application Ref 203535, dated 13 November 2020, was refused by notice dated 5 January 2021.
 - The development proposed is the subdivision of site and construction of two storey side extension to convert a single dwelling house to two single dwelling houses (1 x 2 bedroom and 1 x 3 bedroom), refuse/recycling and bicycle storage, soft and hard landscaping.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Since the Council's refusal of the scheme, a new London Plan has been adopted (March 2021). Both parties were provided with the opportunity to comment on this matter, and were content to rely on local policies, which remain broadly consistent with the policies of the London Plan.
4. The proposal is a resubmission of a previous scheme¹, which was recently refused and dismissed at appeal. The scheme before me has been amended from this previous application through the addition of a two-storey rear projection to No 1a Valley Side, altered internal arrangement including the addition of a second bedroom window to 1a Valley Side and alterations to the rear garden arrangement.

Main Issues

5. The main issues in this case are the effect of the proposal on the character and appearance of the host property and surrounding area; the living conditions of future occupiers with regard to light and outlook; and whether sufficient

¹ Appeal reference APP/U5930/W/21/3272701

information has been submitted to assess the impact of the development upon nearby trees.

Reasons for the Recommendation

Character and Appearance

6. Number 1 Valley Side is a two-storey semi-detached property located in a highly visible position next to Waltham Way, which is a busy A road, and facing an open grassed area next to a parade of stores. It together with no 3 Valley Side, form a pair of semi-detached properties which sit at the southern entrance to Valley Side. The open area includes several trees. Those close to the appeal site soften the appearance of the residential area. Whilst the property has stone cladding to its front, it retains a balanced, symmetrical frontage design with its attached neighbour, and its size and form are similar to the semi-detached nearby dwellings which characterise Valley Side. These dwellings are generally set away from the side boundaries, giving a spacious character to the wider streetscape.
7. In contrast, the proposed two-storey side extension would extend over the whole of the unbuilt element of the appeal site and would result in a terrace of three dwellings. Given the scale and massing of the extension, the existing symmetrical and balanced semi-detached unit would be significantly and detrimentally altered.
8. In addition, the proportions of the two dwellings, No 1 and 1a, would be noticeably narrower than the attached neighbour and other dwellings within the wider street scene. As a result, the proposed dwellings would have a cramped, incongruous appearance which is not commonplace within the surrounding area and would not reflect the established built form nor prevailing pattern of development within the locality.
9. Consequently, the development would have a detrimental effect on the character and appearance of the host property and surrounding area. Accordingly, the proposed development would conflict with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) (CS), and Policy DM29 of the Waltham Forest Development Management Policies Local Plan (2013) (LP) collectively seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they are located.

Living conditions

10. The proposed two storey, rear element to the new, no. 1 Valley Drive, would project beyond the beyond the rear elevation of No. 1a on the boundary. When drawn from the nearest window to the boundary, the rear projection of No 1 would break the 45-degree rule, referred to within the guidance within the Supplementary Planning Document (SPD) 'Residential Extensions and Alterations' (2010), which is a tool to assess the impact of development on the amenity of neighbours. However, unlike the previously dismissed scheme, the rear facing bedroom to No 1a would have two windows and its rear wall would project further to the rear. Consequently, the impact of the rear projection to No 1A would be reduced. A second window is proposed, set further away from the extension, which would comply with the 45-degree rule. I note that the SPD references the closest window and does not make an allowance for

additional windows. However, the SPD is guidance. Therefore, considering the particular circumstances of this appeal, it is my judgment that the rear projection of No 1 would not significantly alter the light reaching this habitable room, nor substantially affect any occupant's outlook, which would remain mostly of the rear gardens.

11. Therefore, unlike the scheme considered by my colleague, the proposal would not significantly adversely affect the living conditions of future occupiers with regard to light and outlook. The Council reference LP Policy DM7 in addition to CS Policies CS2 and CS15. However these policies do not relate to outlook nor light. As such they are not relevant in this instance. However, there is no conflict with the requirements of LP Policy DM32 which seeks to protect the living conditions of future occupiers.

Trees

12. Two trees to the front and one to the side of the appeal site are in close proximity to the host property and make a positive contribution to the character and appearance of the surrounding area. Whilst no trees will be felled as part of the works, in the absence of an Arboricultural Assessment, and if necessary, a Tree Protection Plan, the proposed development would be contrary to LP Policy DM35, which sets out that existing biodiversity resources on-site or in the vicinity of the development site must be retained or if necessary, appropriate mitigation/compensation should take place.
13. In this regard nothing has changed since the previous appeal. A condition securing these details would not be appropriate, given in the absence of adequate information, it is unclear whether it would be possible for the development to go ahead without damaging the trees.
14. As such, insufficient evidence has been submitted in order to assess the impact of the development upon nearby trees. The proposal is therefore contrary to the tree protection measures of LP Policy DM35 and CS Policy CS5.

Other Matters

15. The benefits of the scheme include an additional dwelling which would make a contribution to the Council's supply of housing, which would be located close to shops and services. Economic and social benefits are also likely to arise from the occupation of the new dwelling and its construction. However, given the quantum of development in this case, such benefits would be modest.
16. I acknowledge that the neither the host property nor surrounding area are designated heritage assets. However, this does not alter the policy requirement to assess the proposal against the character and appearance of the existing property and surrounding area, as set out above.

Conclusion and Recommendation

17. Whilst I have found no harm would arise to the living conditions of future occupiers, the harm that would be caused to the character and appearance of the area and the potential impact on the nearby trees would conflict with the development plan and are matters to which I attach significant weight. Whilst the proposal would deliver limited benefits, I find that they would be significantly and demonstrably outweighed by the adverse impacts of the harm identified. Therefore, in the circumstances of this appeal the totality of the

other material considerations does not justify making a decision other than in accordance with the development plan.

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Louise Nurser

INSPECTOR