
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: 11th April 2022

Appeal Ref: APP/U5930/W/21/3277065
190 Billet Road, Walthamstow E17 5DX

- 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 George Christodoulou against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 210710, dated 5 March 2021, was refused by notice dated 16 May 2021.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the surrounding area and (b) the living conditions of the occupiers of 188 Billet Road.

Reasons

Character and Appearance

3. The appeal property is a 2-storey mid-terrace building which is in commercial use. At the rear of the property is an existing single storey addition with a depth of circa 3 metres. Neighbouring the property is a building with retail use at ground floor and a flat above. The other adjacent building, 188 Billet Road, is a residential property. To the rear of No. 188 a timber extension has been erected but this has a temporary appearance.
4. The proposed development includes the erection of a single storey flat roof extension which would project about 4.25 metres further into the rear garden area than the existing addition. The proposal would result in an extension with a total projection of approximately 7.25 metres. Accordingly, the overall depth of the proposed extension would visually and physically dominate the rear elevation of the property. Further, the scale of the resulting addition would not be subordinate to the size of the original property.
5. The siting of the proposed development would be off set from the shared boundary with No. 188 and include an angled corner. By reason of the angled corner, the form and shape of the proposed extension would appear contrived

and fail to respect the character and appearance of this property and the terrace, including other rear additions which have been erected.

6. Accordingly, on this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would conflict with Policy CS15 of the Waltham Forest Local Plan Core Strategy (CS) and Policies DM29 and DM32 of the London Borough of Waltham Forest Development Management Policies Local Plan (DMP). Amongst other matters, these policies seek to ensure the highest quality architecture and urban design and for developments to give strong recognition to local distinctiveness. On this issue, no conflicts have been identified with CS Policies CS2 and CS13, DMP Policy DM4 or the *Residential Extensions and Alterations Supplementary Planning Document* (SPD) because they either relate to residential extensions or are not concerned with matters of character and appearance.

Living Conditions

7. Reference has been made by the Planning Officer to a previously dismissed appeal for a rear extension¹. The full details of this previous appeal have not been provided but it appears that the siting and form of the proposed extension has been amended to seek to minimise any adverse effects on the occupiers of No. 188. The assessment of the effects of the proposed development on the occupiers of No. 188 has not considered the timber addition which, as already noted, has a temporary appearance.
8. There is a habitable room window within the original rear elevation of this neighbouring property sited close to the shared boundary. The rear garden is used as an amenity area, including for the drying of clothes beneath a tent. Compared to the current addition of circa 3 metres, the scale, cumulative depth and massing of the resulting rear extension would be a physically and visually dominating feature in the outlook from both the rear window and the garden of No. 188.
9. The siting and form of the proposed extension might be likely to reduce levels of daylight reaching the rear window of No. 188. However, because of the orientation of the property and its relationship to No. 188 the degree of reduction would not be significant. However, this matter is outweighed by the significant harm caused to the outlook of the occupiers of this neighbouring property.
10. Reference has been made by the appellant to permitted development available for dwelling houses, including the prior approval procedure for extensions of up-to 6 metres in depth. However, these provisions do not apply to commercial properties.
11. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 188 Billet Road and, as such, it would conflict with the amenity requirements of DMP Policies DM4, DM29 and DM32 which seek to protect the occupants of nearby properties from loss of amenity, including by ensuring that outlook is maintained. CS Policies CS13 and CS15, DMP Policy DM23 and the SPD are not

¹ APP/U5930/W/17/3166441

considered to be of direct relevance to the erection of an extension to a commercial property and they also relate to wider health impacts.

Other Matters

12. The appellant has identified that the proposed development would enable the business to employ 3 additional people. However, although this is an important economic benefit to which significant weight is given, it is demonstrably outweighed by the identified unacceptable harm and the conflict with the relevant development plan policies. Accordingly, and for the reasons given, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR