



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: 11th April 2022

Appeal Ref: APP/U5930/W/21/3276510

26 Fletcher Lane, Leyton E10 6JE

- 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 Ms. Jacqueline Jay Francis Shagourie against the decision of London Borough of Waltham Forest Council.
 - The application Ref 203504, dated 11 November 2020, was refused by notice dated 26 April 2021.
 - The development proposed is proposed single storey rear extension at the ground floor flat, 26 Fletcher Lane, London E10 6JE.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effects of the development on (i) the character and appearance of the area and (ii) living conditions of occupiers of 25 Fletcher Lane, with regard to outlook.

Reasons

Character and appearance

3. The appeal site is a late 19th century/early 20th century end terrace property facing Abbots Park and is located at the corner of Fletcher Lane and Leigh Road. Whilst not located within a conservation area, the property has two ornate public-facing frontages and is one of three larger properties on wider plots. The rear of the appeal property faces the rear of a terrace of dwellings on Wesley Road.
4. The appeal property is in use as two flats, with an existing full-width single-storey rear extension and rear garden associated with the ground floor flat. The existing extension is of a lean-to design of a different style to the original building. The proposed development is a further lean-to extension beyond the existing rear extension on the western side of the garden adjacent to 25 Fletcher Lane.
5. Despite the relatively small size of the proposal, and the proposed setback from the boundary wall on Leigh Road, the extension would not reflect or respect the grandeur of the original dwelling, its proportions or its detailing. The resulting building, as viewed from Leigh Road, would be seen with two rear additions, each of a different character, with different roof pitches, fenestration and detailing to the original building. To my mind, the design of the extension

would not therefore assimilate into the existing property and would be harmful to its appearance and the wider character of the area.

6. The proposal would introduce built development into an otherwise undeveloped space between the dwellings, extending back close to the rear boundary. However, in this particular location, in one of the widest rear gardens on Fletcher Lane, the development would be sited on a small part of the rear garden, would be located opposite the corner of two gardens on Leigh Road and Wesley Road opposite, and would be set back from Leigh Road. Consequently, I consider the development would not have an unacceptable impact on the gap between dwellings on Fletcher Lane and Wesley Road, and would not unacceptably reduce the size of the rear garden.
7. At my site visit I saw other examples of rear extensions visible from Leigh Road, including those at 35 Leigh Road, 101 Forest Drive West, and 2A Lyndhurst Drive. From my observations, No. 101 and No. 2A are set in significantly more spacious environs. While the extension at No. 35 exceeds the width of the dwelling, which increases its prominence, it nevertheless remains a single lean-to rear extension. The appellant has also referred to various other extensions on Fletcher Lane on an aerial photograph. However, I am not aware of the circumstances of these extensions, nor do I consider that these are directly comparable to the proposed development or the appeal site. Furthermore, each proposal must be considered on its individual merits.
8. The council have referred to Policies CS2 and CS13 of the Waltham Forest Local Plan Core Strategy (2012) (the Core Strategy) and Policy DM32 of the Waltham Forest Development Management Policies Local Plan (2013) (the DMP Local Plan) in their reason for refusal relating to the character and appearance issue. However, these policies are not directly relevant to the matter at hand and as such I find no conflict with them.
9. I conclude that the proposed development would harm the character and appearance of the area and would conflict with Core Strategy Policy CS15, DMP Local Plan Policies DM4 and DM29 which amongst other matters seek to ensure that development responds positively to local context and character, and Waltham Forest Development Management Policies Local Plan (2013) (Development Management) Policies DM4 and DM29 with respect to local character, and with Waltham Forest Supplementary Planning Document Residential Extensions and Alterations (2010) (REA SPD).

Living conditions

10. The extension would be broadly sited along the boundary with No. 25 and would extend 3 metres beyond the existing rear extension. It would be up to 2.7 metres in height at its tallest point.
11. At my site visit I saw the existing brick wall along the full length of that boundary, which the council and appellant agree is 3.15 metres high. The council advise that the wall is unauthorised, and was part of a structure required to be demolished by an Enforcement Notice issued on 14 October 2020.
12. Notwithstanding the unauthorised nature of the wall, I am conscious that even if the wall was not present the extension would only be around 2.7 metres high

at its highest point, which is only 0.7m higher than a 2 metre high boundary fence or wall.

13. From the councils figures the extension would project around 5.2 metres from the rear of No. 25 when the existing extension is taken into account, which would exceed the REA SPD recommended 3 metre and 45° rules. Nevertheless, considering the overall height of the extension, in combination with its projection, the development would not be overbearing or result in an unacceptable outlook for occupiers of No. 25.
14. In addition to the above, I have taken into account the representations from the occupier of No. 35, particularly in relation to the proximity of the extension to the rear boundary fence, an increased sense of enclosure, privacy, and the accuracy of the submitted pre-existing plans. However, none of these matters provide for a compelling reason why planning permission should be withheld.
15. The council have referred to Policy CS2 of the Core Strategy which relates to housing growth. However, this policy is not directly relevant to the living conditions issue and as such I find no conflict with it.
16. In conclusion, the development would not harm the living conditions of occupiers of 25 Fletcher Lane, with regard to outlook, and would accord with Core Strategy Policies CS13 and CS15, and DMP Policies DM4, DM29 and DM32, which relate to responding to local context and character, promoting well-being, and impact on neighbours.

Conclusion

17. Although I have found the development would not harm the living conditions of the occupiers of No. 25, the development would be harmful to the character and appearance of the area.
18. For the reasons given above I conclude that the appeal should be dismissed.

Peter White

INSPECTOR