The Planning Inspectorate

Appeal Decision

Site visit made on 13 April 2022

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date:6TH May 2022

Appeal A: APP/U5930/D/22/3294254
10 Harvey Road, London 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 213367, dated 25 October 2021, was refused by notice dated 10 December 2021.
- The development proposed is the construction of a two-storey side extension at ground and first floor level.

Appeal B: APP/U5930/D/22/3294255
10 Harvey Road, London 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 213371, dated 25 October 2021, was refused by notice dated 14 December 2021.
- The development proposed is the construction of a two-storey side extension at ground and first floor level.

Decisions

1. Appeal A is allowed and planning permission is granted for the construction of a two-storey side extension at ground and first floor level at 10 Harvey Road, London E11 3DB in accordance with the terms of the application, Ref 213367, dated 25 October 2021, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: HRFE01-R1 Rev V1; HRRE01-R1 Rev V1; HRSE01-R1 Rev V1; HRSAA01-R1 Rev V1; HRGF01-R1 Rev V1 and HRFF01-R1 Rev V1.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

2. Appeal B is dismissed.

Procedural Matter

3. As set out above there are two appeals for this site. They relate to similar forms of development that differ in respect of their massing and design. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. The main issues are the effects of the proposals on:

   (i) the character and appearance of the street scene, and

   (ii) the living conditions of the occupiers of 12 Harvey Road.

Reasons

Background

5. Planning permission was granted in February 2022 for the construction of a ground floor side extension (ref: 213960), details of which are before me. I consider there to be a high likelihood that this scheme will be built if these appeals are dismissed and therefore I view the February 2002 permission as a credible fall-back position. I attach significant weight to this.

6. In March 2022 an appeal against the Council's decision to refuse planning permission for the erection of a two-storey side extension was dismissed[1]. Whilst the proposals before me differ from the earlier appeal scheme, my colleague's observations are considerations to which significant weight must be attached.

Character and Appearance

7. The appeal property is a 2-storey house that forms one end of a terrace of 5 dwellings. To the side of the property is a gated access way flanked by the side elevation of 12 Harvey Road, which forms part of a further terrace of 2-storey houses. Harvey Road is characterised by 2-storey terraced dwellings of similar scale and relationship to the street. However, the houses in the terraces to either side of the appeal property differ in respect of their roof heights, eaves levels and detailed design.

8. Both proposals would comprise the erection of a 2-storey addition between the flank walls of the appeal property and No.12 together with a single-storey element to the rear. The proposals would differ in respect of their roof forms and street frontages. Appeal A would have a pitched roof with its ridge marginally lower than the those to either side, and Appeal proposal B would have a flat roof. The front elevation of Appeal A would be set in slightly behind the frontages to either side, whilst the upper floor frontage in respect of Appeal B would be set back further and would include a small area of sloping roof above the ground floor element.

9. In respect of Appeal B the combined effect of the set-back upper part of the frontage, the area of sloping roof and the flat roof would be an incongruous form of addition that would have an unacceptable effect on the character and

[1] Ref: APP/U5930/D/21/3289187

appearance of the street scene. By contrast, Appeal A would be compatible with the neighbouring terraces and street scene in respect of its height, bulk and form.

10. I note my colleague's comments in respect of the garage doors previously proposed. Unlike the earlier scheme, Appeal A would include timber doors with glazed upper parts, which would be more compatible with the street scene than those previously proposed. In addition, I note that the approved single-storey addition would be set back a sufficient distance from the street to allow off-street parking, which would not be possible under Appeal A. Off-street parking is not a characteristic of Harvey Road and in my view a car parked in front of the property would result in greater harm to the appearance of the street scene than the garage doors.

11. For these reasons I conclude that Appeal A would have an acceptable effect on the character and appearance of the street scene and therefore accords with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) (CS) and Policies DM4 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan (2013) (DMP). Amongst other matters these policies expect residential extensions to relate to the original host property and to respect the surrounding area's character. It also accords with the aims of the Council's Urban Design Supplementary Planning Document (UDSPD) and the Residential Extensions and Alterations Supplementary Planning Document (RESPD).

12. Due to its design and massing I conclude that Appeal B would have an unacceptable effect on the character and appearance of the street scene. It is therefore contrary to the aforementioned policies and guidance.

Living Conditions

13. The development proposed under both Appeal A and Appeal B would include a single-storey element at the rear with a mono-pitched roof. In both cases this would extend no further than the rear wall of the outrigger at the rear of No.12. The information before me indicates that the single storey side addition granted planning permission in February 2022 would include an element that would extend the same distance to the rear and would be a similar height on the shared boundary. As a consequence, the effect of the appeal proposals on outlook from, and natural light to, windows serving No.12 would not be materially different from that resulting from the approved fall-back scheme.

14. For these reasons I conclude that the proposals would not result in unacceptable effects on the living conditions of the occupiers of No.12. They therefore accord with DMP Policies DM4 and DM32 and the guidance in the RESPD which seek to protect the occupants of nearby properties from loss of amenity and to ensure that daylight and outlook is maintained.

Other Matters

15. The Council's reasons for refusal refer to CS Policies CS2 and CS13. These relate to housing quality/choice and health and wellbeing and are not therefore of direct relevance to the matters before me.

Conditions

16. I have considered the conditions suggested by the Council having regard to the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard time limit condition, I consider a materials condition is required to safeguard the character and appearance of the area. Furthermore, for the avoidance of doubt and in the interests of proper planning, a condition requiring the approved development to be carried out in accordance with the approved drawings is imposed.

17. The proposed development under Appeal A would not include any flat roofs. As such it is not necessary to impose a planning condition to prevent roof areas being used for sitting out. The development would include a first floor window in the rear elevation. There is no obvious scope to add further windows in a way that may lead to unacceptable levels of overlooking. For this reason I consider the removal of permitted development rights in this respect to be unnecessary.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, I conclude that the Appeal A should succeed and Appeal B should fail.

S Poole

INSPECTOR