
Appeal Decision

Site visit made on 19 April 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/U5930/D/22/3292340
109 Poppleton Road, Leytonstone E11 1LS

- 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 Mrs Francesca Granato against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 213558, dated 8 November 2021, was refused by notice dated 21 December 2021.
 - The development proposed is the construction of single storey rear infill extension, together with installation of French doors.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from part E of the appeal form and the Council's Decision Notice. This is in the interest of clarity.

Main Issues

3. The main issues are
 - the effect of the proposal on the character and appearance of the existing dwelling and surrounding area; and
 - the effect of the proposal on the living conditions of the occupants of the ground floor flat at No 107 Poppleton Road, having particular regard to outlook.

Reasons

Character and Appearance

4. No 109 Poppleton Road is a two storey mid terraced property set along a residential road of dwellings of similar design and scale. The property has a large rear conservatory projection, and the neighbouring properties have various rear additions visible, from conservatories to dormers and single storey projections.
5. The proposed ground floor rear extension, infilling the side of the two storey rear projection, will result in the removal of the larger existing full width conservatory. Its single storey scale is appropriate, and it would not extend past the rear of the existing two storey projection. It would appear as a minor addition and would simplify the rear elevation.

6. I acknowledge that the Supplementary Planning Document (SPD) 'Residential Extensions and Alterations' (2010) sets out that it is often inappropriate to infill an 'L-shaped' plot, however, this is due to potential impacts upon neighbours, not character and appearance considerations.
7. Given the above and the mixed context at the rear of the terrace, I conclude that the development would not harm the character and appearance of the appeal property or the surrounding area. Accordingly, the development complies with the requirements of 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) (DM) which collectively require developments to relate to the original property and respond positively to the local context and character. There is also no conflict with the design advice set out in the SPD, which requires a high standard of design.
8. The Council also reference CS Policy CS13 and DM Policy DM32 which relate, respectively, to promoting health and well-being and managing the impact of development on occupiers and neighbours. Therefore, these policies are not relevant in this instance.

Living Conditions

9. The proposed extension would be sited on the boundary with No 107 Poppleton Road. This property is split into separate units and has a ground floor rear facing window sat next to the boundary, in addition to obscure glazed window and door on the side elevation. It is unclear as to what room this rear facing window serves, however, the Council set out that it is a habitable room and I note that the appellant does not dispute this.
10. The outlook from this window is at present dominated by the two storey rear projections, however, the gap between the properties, characteristic of the surrounding dwellings, serves to allow some feeling of open space and view towards the rear, albeit this is compromised by the conservatory of No 109, set some distance from the window.
11. The proposed extension would infill the existing gap between the two storey rear projection and the boundary and would therefore bring development closer to this window than at present. The plans show that the proposed extension would reach a height on the boundary of approximately 3.2m and extend a depth of approximately 7.3m.
12. Given this significant height and depth, the extension would be visually dominant when viewed from the nearest ground floor window of No 107. The occupants of this property would be faced with a blank, brick elevation in close proximity which would restrict the existing outlook to a degree greater than present. The development would adversely affect the quality of living conditions available to users of the room served by the window as a result.
13. The removal of the slightly taller conservatory extension, set away from the window, would not compensate for this additional impact.
14. Therefore, I conclude that the development would harm the living conditions of occupants of the ground floor flat of No 107 Poppleton Road, in respect to outlook. Accordingly, it would conflict with CS Policies CS13 and CS15, and DM Policies DM4, DM29 and DM32, which, amongst other matters, seek to ensure

that development is high quality, well designed and that a healthy environment for residents is provided by managing the impact of developments. It would also conflict with the advice set out in the SPD, which sets out that infill extensions can be inappropriate due to their impact upon neighbours.

Other Matters

15. The appellant points to the additional expense associated with possibly lowering the eaves height of the extension. I have based this decision on the plans before me and even if this was the case, this does not justify the harm that I have found with regards to living conditions.
16. The appellant also points to recent similar planning permissions granted at 287 and 293 Capworth Street. No plans of these schemes have been submitted which prevents direct comparison, and in any case, again, this does not affect the harm that I have found with regards to living conditions in this instance.
17. Finally, the appellant also points to the lack of impact upon privacy and sunlight. These matters are not in dispute between the parties and a lack of harm in these respects are neutral factors, not in favour of the proposal.

Conclusion

18. There are no material considerations that indicate the application should be determined other than in accordance with the development plan.
19. Although I have found that the proposed extension would not harm the character and appearance of the property and surrounding area, the harm identified to the living conditions of the occupants of the ground floor flat of No 107 Poppleton Road, having particular regard to outlook, means that the proposal must fail. The appeal is therefore dismissed.

B Phillips

INSPECTOR