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# Appeal Decision

Site visit made on 1 April 2022

**by K Savage BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 May 2022**

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**Appeal Ref: APP/U5930/W/21/3285338**

**46A Cromwell Road, Walthamstow E17 9JN**

- 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 Bradley Bishop against the decision of Waltham Forest London Borough Council.
  - The application Ref 211761, dated 2 June 2021, was refused by notice dated 29 July 2021.
  - The development proposed is construction of dormer roof extension to main rear roof (with external door) and raised party walls at roof level; extension above two storey outrigger to create roof terrace, together with installation of two rooflights to front roof.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. I have used the description of development given on the Council's decision notice, and subsequently on the appeal form, as it is clearer and more concise than the narrative description given on the application form.

## Main Issues

3. The main issues are i) the effect of the proposal on the character and appearance of the area, and ii) the effect on neighbours' living conditions, with particular respect to privacy and noise.

## Reasons

### *Character and appearance*

4. The appeal site forms part of a long terrace of similar two storey dwellings with shared rear outriggers that stand well below the main roof line. The rear elevations and rooflines are open to public view from the public footpath which runs immediately behind the terrace. The southern end of the terrace, where the appeal site is located, is also open to view from the rear windows and gardens of properties in St Stephen's Avenue and Grove Road.
5. Within the terrace of some 25 properties, there are ten rear dormer extensions. Although these are unevenly distributed along the terrace, they are highly visible features of the immediate surroundings to the appeal site. Notable are a group of six dormers in a row towards the centre of the terrace, between Nos 20 and 30, four of which also extend out over the rear outrigger, as does the nearest example to the appeal site at No 38. Given this context, the Council accepts the principle of a dormer extension.

6. The Council's concern relates to the specific design of the dormer. It refers to general support for dormers which are setback 0.5m from the side elevations, 0.2m from the floor below and 0.3m from the main roof ridge. However, these distances do not appear to be set out in a development plan policy or the Residential Extensions and Alterations Supplementary Planning Document (February 2010) (the REA), which instead states that the Council will consider whether the proportions of the dormer window are appropriate, and that dormers exceeding the main ridge height or extending over the whole of L-shaped roofs will be resisted.
7. I concur that the principle of dormer extensions has been established within the street. However, there is variety in the sizes and design of these other dormers. A number have subsumed most, if not all, of the rear roof slopes of the host buildings, significantly altering their overall scale and form and interrupting the original consistency of the terrace. These dormers generally do not reflect the Council's guidance on the appropriate size for roof extensions and from my observations do not add to the quality of the street scene. As six of the ten dormers are clustered towards the centre of the terrace, there are parts of the terrace which remain mostly unaltered, in particular the southern end where the appeal site is located, which has just one dormer in the first nine buildings, that at No 38.
8. The dormer in this case would align with the height of the main roof ridge and would extend to the full width of the roof. In doing so, the party walls to either side of the roof slope would be built up to form the sides of the dormer. This is a design element not seen to other dormers, which are set inside the line of the party wall and have side elevations in materials matching the rest of the dormer window. This increase in the height of the party walls would add to the overall massing and physical presence of the dormer. I appreciate that some of the other dormers have significantly greater massing overall, but the dormer in this case would stand by itself to the southern end of the terrace which is less altered by extensions. Consequently, due to its massing and raised side walls, the dormer would form a dominant feature that would significantly alter the scale and form of the host building and would visibly interrupt the consistent roofline at this end of the terrace.
9. The roof terrace would be inset into the roof slope of the rear outrigger, immediately beyond the proposed dormer, and would be enclosed by a glass balustrade. I saw no examples of roof terraces within the immediate surroundings. I accept that, in terms of massing, the terrace would add little to the overall size of the roof as it would be cut into the roof slope of the outrigger. However, the roof terrace would be an anomalous feature which would create an uncharacteristic void in the roof slope. The glass balustrade, though lightweight in form, would be clearly visible from the rear and would form an awkward extrusion from the roof slope. It is likely that various items, such as furniture, parasols or clothes lines, would be added to the terrace when put to use, which would add to its visibility and further detract from the otherwise consistent roofline to this end of the terrace.
10. The appellant points to examples of high level roof terraces within the area. Whilst these are not distant, being around 4-10 minutes' walk, they are nevertheless located on different streets and do not form part of the immediate context of the appeal site. I am also not provided with details of their planning histories and so cannot be certain that they are comparable to the proposal

before me. Therefore, I do not regard these as determinative factors in my assessment of the proposal, which I have taken on its own merits.

11. The National Planning Policy Framework (the Framework) sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Therefore, whilst I accept that the principle of a further dormer may be supported, the combination of its position within the terrace, its size and form, in particular the side walls and roof terrace, would create a further harmful addition to the roofline of the terrace which would fail to add to the overall quality of the built form, in conflict with the aims of the Framework.
12. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policies CS13 and CS15 of the Waltham Forest Local Plan Core Strategy (March 2012) (the CS); Policies DM4, DM23 and DM29 of the Waltham Forest Local Plan Development Management Policies (October 2013) (the DMP) and the guidance of the REA SPD, which together require that development achieves high quality design that responds positively to the local context and character, relates to the original host building and respects the street scene.

### *Living Conditions*

13. The position of the proposed terrace would allow clear views down into the side facing windows at first floor level of the neighbouring property at No 44. I saw that there are already direct views between the first floor windows of the appeal property and those of No 44. As such, neighbouring occupants would be used to a certain degree of overlooking. However, the terrace would potentially accommodate several people together, and for prolonged periods, during which time neighbouring occupants would be subject to overlooking, or at least would endure a perception of being overlooked which would differ from incidental, mutual views between the first floor windows. The proposal would therefore result in an increased propensity for overlooking, resulting in a loss of privacy of neighbouring occupants that would undermine their living conditions.
14. I note the appellant's willingness to install obscured glass balustrades to the terrace to address potential overlooking issues. However, the proposed balustrades are not tall enough to actually prevent overlooking from occurring, and if made taller would have further adverse visual impact. Therefore, I am not persuaded that a planning condition requiring obscured glazing would overcome the harm identified.
15. The terrace would be relatively modest in size, and though it could accommodate a number of people at the same time, it would not be capable of hosting large gatherings. As such, its use would not give rise to significant additional levels of noise or disturbance compared to similar use of rear gardens within the immediate surroundings. On this matter, I find that the proposal would not cause demonstrable harm to neighbours' living conditions.
16. However, for the reasons set out, I conclude that the proposal would harm the living conditions of neighbouring occupants through loss of privacy, in conflict with Policy CS13 of the CS and Policy DM32 of the DMP, which require that developments ensure satisfactory amenity is provided for future and surrounding occupiers.

## **Other Matters**

17. I have had regard to the personal circumstances advanced by the appellant, and empathise with the circumstances faced during the Covid-19 pandemic. However, this has been the case for millions of people around the country during this time, and is not an exceptional circumstance. I accept that the proposal would deliver benefits for the appellant, but these would be private in nature. The wider public benefits of a larger flat within the Council's housing stock, and economic activity generated for the construction industry, would attract only limited weight given the small scale of the proposal.
18. I also note a representation in support of the proposal from the downstairs occupant of No 46, however this does not alter my overall conclusions on the main issues.

## **Conclusion**

19. For the reasons set out, the proposal results in conflict with the development plan, taken as a whole, to which I afford significant weight. Material considerations in this case would not outweigh this conflict and do not indicate that permission should be forthcoming in spite of the conflict with the development plan.
20. Therefore, I conclude that the appeal should be dismissed.

*K Savage*

INSPECTOR