



Appeal Decision

Site visit made on 18 May 2022

Decision by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/U5930/D/21/3282304

780 Lea Bridge Road, Walthamstow E17 9DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Dr Adeel Ahmed Iqbal against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 212045, dated 28 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is described as 'erect a single storey 6m extension with a height of 3m from the original rear wall of the property to add to living and kitchen space'
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for 'erect a single storey 6m extension with a height of 3m from the original rear wall of the property to add to living and kitchen space' at 780 Lea Bridge Road, Walthamstow E17 9DN in accordance with the application Ref 212045, made on 28 June 2021, and the details submitted with it, including plans Block Plan TQRQM21182150156235 dated 1 July 2021; Location Plan TQRQM21179170552990 dated 28 June 2021; Project No. 3490 Drawing No. 1 dated July 2021; Project No. 3490 Drawing No. 2 dated July 2021; Project No. 3490 Drawing No. 3 dated July 2021; Project No. 3490 Drawing No. 4 dated July 2021; and Project No. 3490 Drawing No. 5 dated July 2021, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers at No. 782 Lea Bridge Road, with particular regard to light and outlook.

Reasons

4. The appeal site is a two storey mid terraced property on Lea Bridge Road with a narrow but long rear garden, separated from neighbouring plots by tall close boarded boundary fencing. The properties in the immediate vicinity comprise similar terraced dwellings with comparable garden space, with a variety of alterations and extensions having been made to the rear elevations.
5. The submitted plans demonstrate that the appeal property benefitted from a single storey rear extension, which I observed at the time of my visit is in the process of being demolished. The proposal seeks prior approval for a replacement single storey rear extension projecting 6 metres beyond the rear wall of the property.
6. The Waltham Forest Residential Extensions and Alterations Supplementary Planning Document February 2010 (the SPD) states that extending the rear of houses by over 3 metres is likely to be overbearing on neighbours. It continues that single storey extensions should not exceed a line taken at 45 degrees from the edge of the nearest ground floor window of a habitable room in an adjoining property.
7. It is recognised that the proposal would not meet these elements of the SPD. However, this represents guidance rather than policy. In any event, the dimensions of the proposal are within the limits for larger extensions referred to in Class A, A.1(g) of the GPDO, which postdates the SPD.
8. The proposal would span the entire width of the site. It would introduce an element of built form in close proximity to the rear habitable windows of No.782, projecting further along the boundary than the previous extension. However, having regard to the presence of the existing boundary fence and the tall, dense planting close to the rear elevation of No. 782, the proposal would be largely screened from view such that it would not have an unacceptably harmful effect on outlook.
9. Although the proposal would be partially visible above the fence line, this would not be to an extent which would result in it being visually dominant. As such, it would not feel overbearing from the garden of No. 782, and the main outlook from the rear habitable windows directly towards the garden would remain largely unchanged.
10. For similar reasons it is not considered that the proposal would have an adverse impact on light for the residents of No. 782. Due to the fencing and planting present, the additional built form of the proposal would not significantly decrease the amount of light reaching the rear gardens or habitable windows of this dwelling. Overall therefore it would not unduly impact the residents' ability to enjoy these spaces.
11. For the above reasons, the proposed development would not harm the living conditions of the neighbouring occupiers of No. 782 Lea Bridge Road, with particular regard to light and outlook. As such, it complies with the provisions of Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO.

Other matters

12. The personal circumstances of the neighbouring occupiers at No. 782 are noted, such that the proposal may cause stress to them. However, personal circumstances

will seldom outweigh planning considerations and as such would not be a sufficient reason to withhold prior approval being granted.

13. Whilst I also acknowledge that concerns have been raised regarding the potential for damage to occur to the neighbouring property in the course of construction this is not a matter that I am able to take into account in my decision because it is a private matter between the relevant parties.
14. It is further noted that concerns were raised regarding noise and disruption during construction of the proposed development. However, as this would only be temporary, it would not be a sufficient reason to withhold prior approval.
15. Comments have also been received with regards to the compliance of the proposal with Building Regulations and the need for a Party Wall Agreement. However, these issues are subject to separate regimes that fall outside of the remit of this appeal.

Conditions

16. The Council has suggested planning conditions in their questionnaire. However, I consider the imposition of these conditions to be unnecessary as they duplicate the conditions imposed by the GPDO applicable to the proposal. In addition, I have included reference to the plans and details submitted as part of the application in the opening of this decision. On the evidence submitted, I therefore do not consider that there are any necessary conditions reasonably related which should be attached in addition to those imposed by the GPDO.

Conclusion

17. For the reasons given above the appeal should be allowed, and prior approval should be granted.

C Rafferty

INSPECTOR