



Appeal Decision

Site visit made on 12 July 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/U5930/W/21/3283693

World Of Spice, 230 Hoe Street, Walthamstow E17 3AY

- 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 M Lallmohamud against the decision of Waltham Forest London Borough Council.
 - The application Ref 211507, dated 11 May 2021, was refused by notice dated 7 September 2021.
 - The development proposed is the retention of first floor extension, demolition of existing second floor extension and new second floor extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Reference is made, within the decision notice, the Council's officer report and the Council's appeal statement, to the impact of the proposed development in relation to the occupiers of 232 Hoe Street. The proposed site map 1:500 and the OS map 1:1250, submitted by the appellant, show that No.232 is the property to the north of the appeal site. However, during my site visit I noted that No.232 is actually located to the south of the appeal site with 228 Hoe Street located to the north. As No.232, the property to the south, would not be visible from the proposed terrace/landing above the first floor infill extension and the property to the north (No.228) would be directly adjacent to it, it would appear that the Council's allegations that the proposed terrace/landing would result in overlooking incorrectly refers to No.232 and should actually refer to No.228. Therefore, I have considered the appeal on this basis and will refer to these neighbouring properties as such.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and surrounding area, and
 - the living conditions of the occupiers of the neighbouring dwelling to the north of the appeal site, with regard to privacy.

Reasons

Character and Appearance

4. The appeal site is occupied by a three storey mid-terrace property which faces onto Hoe Street, with access to the rear via the road Tower Mews. The property currently has a large single storey rear projection on the ground floor with a smaller first floor projection and second floor extension above this. Metal external staircases provide access from Tower Mews to the first and second floors. However, the Council have indicated that an infill section on the first floor projection, the second floor extension and the staircase providing access to the second floor do not benefit from planning permission and are the subject of enforcement action. The proposed development seeks to retain the first floor infill section and replace the existing second floor extension with a new second floor extension. The proposed plans indicate that an external staircase, similar to the existing unauthorised staircase, would also be provided between the first and second floor.
5. Due to its size, the infill extension to the first floor projection, in isolation, would be a modest addition which would not significantly alter the appearance of the host property or its impact upon the host terrace and surrounding area. The second floor extension, however, would be a large and highly visible addition to the host property. Although it would match the design and materials used for the original first floor projection, its significant height and depth would result in an extension which is not subordinate to the host property and would appear overly dominant within the immediate section of the host terrace, where there are no existing second floor extensions.
6. The external metal staircase providing access to the second floor would also be a highly visible feature. Although there are a number of external staircases to the rear of the terrace at present, the additional height of the staircase at the appeal property, to serve the second floor, would be an overly prominent feature which would add to the clutter and visual discordance to the rear of the property.
7. Although a number of extensions have been undertaken to the rear of the terrace, in the part of the terrace immediately surrounding the host property, the original form is still visible at the upper levels which is simple and uniform in appearance. The cumulative bulk of the proposed extensions, along with the external staircase, would result in a property which would appear out of keeping with the simple original form of the terrace, to the detriment of the character and appearance of the surrounding area.
8. It is noted that there is a similar second floor extension at 250 Tower Mews. Although the Council contend that this does not have planning permission, the appellant has provided evidence to demonstrate that the extension was granted planning permission in 2015¹. However, although within the same terrace, that property is some distance from the appeal site, nearer to the end of the terrace within a more compact and developed setting. Furthermore, the overall property at No.250 is different in appearance to the appeal property, with larger ground floor and first floor extensions and a roof extension. This results in the second floor extension element at No.250 appearing less dominant than the appeal proposal. Therefore, due to these differences and as each case is considered on its own merits, the extension at No.250 does not set a precedent for the proposal before me.

¹ 150559/FUL

9. Consequently, the proposed development would harm the character and appearance of the host property and surrounding area and would conflict with Policy CS15 of Waltham Forest Local Plan Core Strategy (2012) and Policies DM4 and DM29 of the Waltham Forest Development Management Policies Local Plan (2013). The relevant sections of these policies collectively seek to ensure that development proposals have the highest quality architecture and urban design, reinforcing and/or enhancing local character and distinctiveness and relating to the original host building.

Living Conditions

10. The host property has a single storey ground floor projection which has a flat roof. This roofspace is currently accessible by the external set of stairs up to the first floor. However, during my site visit I saw that this area was not a formal roof terrace and was not being used as such. Nevertheless, this element of the property does not form part of the proposed development and therefore cannot form part of my considerations.
11. The proposed external staircase would provide access to the proposed second floor extension. There would be a small landing area at second floor level to facilitate this. Although intended to be used for access to the second floor level only, the landing area could accommodate a small seating area to be used as an outdoor terrace by the occupants. Due to its raised height and proximity to the first floor and second floor rear windows of the property to the north of the appeal site, the use of the landing area as a terrace would result in a significant level of overlooking into these rear windows and a loss of privacy to the occupiers of this neighbouring property. Whilst one of these windows does appear to serve a bathroom, the others are clear glazed and therefore would be likely to serve habitable rooms.
12. The appellant has suggested the use of screening around the terrace to a height of 1.7 metres. However, whilst this may prevent the loss of privacy to the occupiers of the neighbouring dwelling, it does not take into consideration the impact of the screening on the character and appearance of the surrounding area from such a large structure. Therefore, I do not consider this to be suitable mitigation that could be secured by condition.
13. Consequently, the proposed development would harm the living conditions of the occupiers of the neighbouring dwelling to the north of the appeal site, with regard to privacy. Although the Council's reason for refusal does not allege conflict with any development plan policies, its appeal statement does allege a conflict with Policy DM32 of the Waltham Forest Development Management Policies Local Plan (2013) and the appellant has had the opportunity to comment on this. On the basis that the policy seeks to ensure that privacy is maintained for existing occupants, I find that the proposal would conflict with this policy.

Conclusion

14. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR