
Appeal Decision

Site visit made on 13 September 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 4 October 2022

Appeal Ref: APP/U5930/D/22/3304341

122 Grove Road, London E17 9BY

- 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 Steven Saunders against the decision of Waltham Forest London Borough Council.
 - The application Ref 221339, dated 6 May 2022, was refused by notice dated 19 July 2022.
 - The development proposed is described as "ground floor side-infill extension".
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Decision

1. The appeal is allowed and planning permission is granted for proposed construction of single storey rear infill extension and replacement of ground floor rear elevation windows with doors at 122 Grove Road, London E17 9BY in accordance with the terms of the application, Ref 221339, dated 6 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing 2112-GRD-GA00 'Block and location plan'; Drawing 2112-GRD-ELE-01 Rev B 'Rear elevation'; Drawing 2112-GRD-ELE-01 'Proposed elevations and section 1:100'; Drawing 2112-GRD-GA-02 'Proposed floor plans 1:100'.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing nos: 2112-GRD-ELE-01 Rev B 'Rear elevation'; 2112-GRD-ELE-01 'Proposed elevations and section 1:100'; 2112-GRD-GA-02 'Proposed floor plans 1:100'.
 - 4) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the western elevation.

Preliminary Matters

2. The description of development set out above, which is taken from the application form, does not describe the development as being at the rear. It is clear, however, from the plans and accompanying details that the development

comprises “proposed construction of single storey rear infill extension and replacement of ground floor rear elevation windows with doors”. The Council dealt with the proposal on this basis and so shall I.

3. The officer report lists The London Plan, 2021, within the section on planning policy, but no further reference is made to the Plan and none of the policies have been submitted with the appeal. Therefore, I will not be referring to the Plan within my decision.

Main Issue

4. The main issue is the effect of the proposal on the living conditions, in terms of outlook and light, on the occupiers of 120 Grove Road.

Reasons

5. The appeal site is a brick, period house, located within a street of mainly residential properties. The house is semi-detached, although it is linked at the side to No 124 by a two-storey extension. This is narrow and has a pitched roof at the front, whilst at the rear the roof has a slight pitch where it adjoins the rear elevation of the house, before becoming a flat roof with a parapet.
6. Adjoining this two-storey element at the rear is a paved area where the proposed infill extension would be located. This would extend up to the boundary of No 120 to the west.
7. The Council considers that the proposal would be overbearing and would create a tunnel effect for the occupiers of No 120, resulting in a serious loss of outlook and light to the ground floor rear doors and create an increased sense of enclosure. The Council references their Supplementary Planning Document (SPD) on ‘Residential extensions and alterations’ which states that extensions with a depth over 3 metres would normally be too overbearing for neighbouring occupiers.
8. The ground levels at the rear of both No 122 and No 120, are lower than at the front of the properties. Consequently, the existing dining room at the rear of the host property has three steps from the French doors to the rear courtyard. A similar situation exists at No 120.
9. The existing boundary between Nos 120 and 122, where it adjoins the house, is currently a low brick wall with a timber fence. This is covered by dense and high growth from climbers growing in No 120, which extend up to the height of the windowsill of the first-floor rear window.
10. The extension is described as having a height of 2.9 metres along the boundary. This would not be overly high in the context of the site, the existing boundary, and the ground levels at the rear.
11. Whilst the extension would be 5 metres in depth along the boundary, this would not extend, apart from the proposed rear dormer windows, beyond the existing rear elevation of the house. The top of the proposed pitched skylight of the extension would be at the same height as the top of the existing rear French door, with the rest of the roof being lower.
12. Number 120 is a corner plot, with Merton Road running parallel to the side of the site. It has a rear garden area which is considerably wider than No 122. Whilst it also has a two-storey side extension, which extends to the rear, this

has a traditional pitched roof. As the extension is not as deep as that located at no 122, and it is lower in height at the rear, the overall building mass is reduced. Therefore, the rear garden area appears to have a more open and spacious outlook.

13. The ground floor rear doors of No 120 are raised above the external ground level. The site has an existing high fence and undergrowth stretching to some height on the boundary. The construction of the extension would partly sit below the level of the door, and therefore would not create a tunnel effect, as this area of the garden is already enclosed. The outlook of the occupiers of this property, would, because of their wide garden and the fact that they have no immediate buildings to their west, largely be retained.
14. In terms of light, the existing two-storey rear extensions conjoined at Nos 122 and 124 will already have some effect on the morning light levels reaching the area in front of the rear French door of No 120. Having a single storey extension infilling the area adjoining their boundary is unlikely to alter this situation.
15. Therefore, I conclude that the proposed two storey extension would not have an unacceptable harmful effect on the living conditions of the occupiers of No 120 Grove Road, with particular reference to outlook and light. Whilst the extension would be greater than 3 metres deep, which is the depth referred to in the SPD beyond which extensions would normally be considered overbearing, for the reasons given the circumstances of this case mean that the proposal would not harm the living conditions of the occupiers of No 120. Consequently, the aim of the SPD relating to protecting residential amenity would be met. The proposal would accord with Waltham Forest Local Plan Core Strategy, 2012, Policies CS13 and CS15 and Policies DM4, DM29, DM32 of the London Borough of Waltham Forest Local Plan Development Management Policies, 2013 which seek to ensure the creation of a satisfactory environment and ensuring no loss of residential amenity.

Conditions

16. The Council has suggested, if the appeal was to be allowed, the standard conditions referred to in the appeal questionnaire, and the removal of permitted development rights for any additional windows. I have considered those with regard to the tests for planning conditions in section 56 of the National Planning Policy Framework and the Planning Practice Guidance. Therefore, there is a need for the standard implementation condition and a condition listing the plans to which the proposal should accord. The standard condition in terms of materials is, however, not applicable as the proposed materials for the roof and windows differ from that found on the existing house. In this case, the condition needs to adhere to the materials shown on the plans. The Council has recommended the removal of permitted development rights for windows within the proposed extension. I consider that this is only necessary for the elevation adjacent to No 120, the western elevation, as any additional glazing on the southern elevation would not affect the living conditions of adjoining occupiers.

Conclusion

17. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

M J Francis

INSPECTOR