



Appeal Decision

Site visit made on 6 September 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022.

Appeal Ref: APP/U5930/D/22/3290984
14 Kingsley Road, Walthamstow, E17 4AU

- 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 Rupert Lang against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 213695, dated 24 November 2021, was refused by notice dated 12 January 2022.
 - The development proposed is a rear extension to existing property to create larger kitchen/dining space. Rear dormer to create additional bedroom and bathroom within roof space.
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Costs

1. An application for costs was made by Mr Rupert Lang against the Council of the London Borough of Waltham Forest. This application is the subject of a separate decision.

Decision

2. The appeal is allowed in part and planning permission is granted for a rear extension to existing property to create larger kitchen/dining space at 14 Kingsley Road, Walthamstow, E17 4AU in accordance with the terms of the application, Ref 213695, dated 24 November 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

3. For clarity, permission is only granted for that part of the development referred to under the decision above. The appeal is dismissed insofar as it relates to a rear dormer to create additional bedroom and bathroom within roof space.
4. In considering the application the subject of this appeal, the Council stated that that part of the proposal relating to the proposed rear extension to existing property to create larger kitchen/dining space was acceptable. Consequently, this appeal decision focuses on the proposed rear dormer.
5. A Lawful Development Certificate¹ provides for the development of a rear dormer, albeit of different design to that proposed.

¹ Reference: 090157.

6. I have taken the description of development from the application form. The Council, in its decision notice, describes the development proposed as "Demolition of existing ground floor rear extension and construction of a single-storey rear wraparound extension, together with alterations to the first floor rear elevation, fenestration and the construction of a rear dormer roof extension to the main rear roof with the installation of two roof-lights to the front roof slope (amended description)."

Main Issue

7. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

8. The appeal property is a mid-terrace two storey dwelling. It is set back from the road behind a short garden area and has a longer narrow garden to the rear. The dwelling has a two-storey outrigger and a small single storey extension to the rear.
9. It is located in a residential area characterised by the presence of similar two storey terraced dwellings. Like the appeal property, dwellings have short gardens to the front and longer gardens to the rear.
10. During my site visit I noted that whilst many houses in the area have been altered and/or extended and that such changes generally appear in keeping with host properties and their surroundings. Number 12 Kingsley Road, next door to the appeal property, has a large infill and dormer extension to the rear.
11. The proposed rear dormer extension would extend across the full width of the main rear roof. There would be no set-back from the eaves. Consequently, the proposed dormer extension would completely dominate the rear roof. It would fail to appear as a subordinate addition.
12. The harm arising from the above would be exacerbated as a result of the proposed dormer drawing attention to itself as an overwhelmingly large and disproportionate addition to the host dwelling.
13. Whilst I note above that No 12, next door, has a dormer extension, this is set back from the eaves and forms part of a different design approach to the proposal the subject of this appeal. As such, it does not provide a precedent for the proposal before me.
14. Whilst, in support of his case, the appellant refers to an approval for another development proposal on another street elsewhere in Waltham Forest, I note that the circumstances relating to that property are different to those relating to the appeal property. Notwithstanding this, I have found that the proposal before me would, in any case, result in harm and this is not a factor outweighed by an approval relating to a different property elsewhere.
15. Taking the above into account, I find that the proposed rear dormer would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Policies CS2 and CS15 of the Core Strategy²; to Policies

² Reference: Waltham Forest Local Plan Core Strategy (2013).

DM4 and DM29 of the Local Plan DMP³; and to the Council's Supplementary Planning Documents "Residential Extensions. Alterations" (2010) and "Urban Design" (2010), which together amongst other things, seek to protect local character.

Conditions

16. I have considered the conditions proposed by the Council against the tests set out in Paragraph 56 of the Framework.
17. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
18. A condition controlling external finishes is necessary in the interests of local character.

Conclusion

19. For the reasons given above, the appeal succeeds in part, but is not successful in respect of rear dormer to create additional bedroom and bathroom within roof space.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/U5930/D/22/3290984
14 Kingsley Road, Walthamstow, E17 4AU**

- 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 insofar as they relate to a rear extension to existing property to create larger kitchen/dining space: Elevations Proposed; Sections Proposed; Ground and First Floor Plans Proposed.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

³ Reference: Waltham Forest Local Plan Development Management Policies (2013).