



Appeal Decision

Site visit made on 6 September 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2022

Appeal Ref: APP/U5930/W/21/3289192

53A Stainforth Road, Walthamstow E17 9RB

- 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 Chris James against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 210678, dated 4 March 2021, was refused by notice dated 6 July 2021.
 - The development proposed is described as 'planning approval is requested for the proposal for a new roof terrace garden situated on the rear outrigger of the property on the second floor.'
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a roof terrace situated on the rear two storey projection enclosed by 1700mm high glazed balustrade at 53A Stainforth Road, Walthamstow E17 9RB in accordance with the terms of the application, Ref 210678, dated 4 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and thereafter maintained as such for the lifetime of the development:
 - Drawings: PL01, PL04, PL05, PL06 and PL07 dated Mar 2021
 - 3) The roof terrace shall not be used until the 1700mm high obscured glazed privacy screens have been fitted. Once installed the obscured glazing shall be retained thereafter.
 - 4) The materials used for the external surfaces of the development shall thereafter be retained as such for the lifetime of the development.

Preliminary Matters

2. The Council altered the description of the development in the decision notice. I have adopted that description in my decision as it is more precise and omits wording that is unnecessary to describe the development.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host building and surrounding area; and

- the living conditions of the occupiers of neighbouring properties in respect of outlook, privacy, noise and disturbance.

Reasons

Character and appearance

4. The appeal property is a 3-storey building. It is one of a pair of similarly designed buildings attached to the end of a terraced row of buildings of a different design. All have pitched roofed 2-storey rear outriggers. Whilst there has been some alteration at the back of properties within the row, including the introduction of large flat roof dormer extensions, a regular rhythm to the terrace is retained. This leads to a pleasing consistency at the rear which is visible from surrounding properties and a rear parking and service area.
5. The proposed roof terrace would not extend the full length of the outrigger and the end section of the existing roof, including the ridge and the end gable, would be retained. The proposal would also not extend the full width of the outrigger. The side privacy screens would be set above the eaves, retaining the lower section of the roof slope. Consequently, the dual pitched outrigger roof of the host building would not be totally lost, and the original shape of the roof would remain legible, notwithstanding the proposed insertion of the roof terrace. Moreover, the 'L-shaped' footprint of the original building would be unaffected. Accordingly, the architectural integrity of the building would be maintained.
6. A concern about precedence is raised by the Council. Even if I were to conclude that the proposed development would set a precedent, given my conclusion above, I see no reason why that should be harmful.
7. Taking the above matters into consideration, I conclude that the proposal would not adversely affect the character or appearance of the host building or the surrounding area. It therefore accords with Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 (CS), Policy DM29 of the Waltham Forest Development Management Policies Local Plan 2013 (DMPLP) and guidance contained in the Residential Extensions and Alterations Supplementary Planning Document 2010. Taken together such policies and guidance seek, amongst other things, to ensure that new development is of a high standard of design, responds positively to the local context and character and reinforces distinctiveness.
8. I note that the Council have referred to DMPLP Policy DM23 in the decision notice. The policy relates to health and wellbeing, however, which is not relevant to this main issue.

Living conditions

9. The roof terrace would be close to the upper floor windows on the rear elevation of 51 Stainforth Road. However, the proposal would include a 1.7 metre high obscure glazed privacy screen on all sides. Hence, the visibility between the proposed terrace and the windows of the adjoining property would be restricted. Thus, there would not be any significant loss of privacy for the occupiers of No 51 from the proposed terrace due to overlooking of the internal living space. The screening would also ensure that privacy within the rear garden areas of the neighbouring properties would not be significantly diminished.

10. The roof terrace would be at second floor level. However, given its limited size and its association with a single dwelling, I do not consider that noise and disturbance arising from its use would be materially greater to that generated by activity typical of rear gardens in the locality.
11. Whilst the outlook from the upper floor windows of the adjoining property will change as a result of the proposal, for the reasons set out above the living conditions of the occupants of No 51 would not be materially affected. Any noise and disturbance associated with construction would be for a temporary period only.
12. I conclude that the proposal would not be harmful to the living conditions of the occupiers of neighbouring properties in respect of outlook, privacy, noise and disturbance. Therefore, it accords with CS Policy CS15 and LPDMP Policy DM32 which seek to ensure well designed buildings and that the impact of development on neighbours is managed.

Conditions

13. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying that the development is carried out in accordance with approved plans.
14. Conditions are imposed requiring the obscure glazed privacy screens to be installed and for such screens and the materials used for the external surfaces of the development to be retained. This is to ensure the satisfactory appearance of the proposed development and to protect the living conditions of the occupants of neighbouring properties.

Conclusion

15. For the reasons set out above, the appeal is allowed and planning permission is granted.

Elaine Moulton

INSPECTOR