



Appeal Decision

Site visit made on 25 October 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2022

Appeal Ref: APP/U5930/D/22/3304888
37 Rectory Road, Walthamstow, E17 3BG

- 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 Errol Nedd against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 220670, dated 28 January 2022, was refused by notice dated 8 June 2022.
 - The development proposed is the construction of a double dormer loft conversion with three front roof lights.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of 37 Rectory Road and the wider area.

Reasons

3. The appeal property is a two-storey, mid-terraced dwelling with an 'L-shaped' footprint. It has a slightly subservient, two-storey rear projection that is mirrored by the attached dwelling at No 35 and with a shared gable, the ridge to which runs along the common boundary between both properties. The proposal is for a loft conversion that would involve an L-shaped 'box-like' roof extension to the rear. This would cover almost the full area of the rear facing roof slope and would then turn the corner and extend a significant distance along the side facing roof slope on the rear projection. Due to the lower roof over the rear part of the building, the height of the dormer extension would be stepped.
4. The Council's *Residential Extensions and Alterations Supplementary Planning Document* (SPD), adopted in 2010, deals with loft conversions and roof extensions at section 5.2.4. The SPD explicitly states that where there is an L-shaped footprint to the building, permission will not normally be granted for dormer extensions that turn the corner of the L-shape to create one large extension. It explains that this is because it would have too great a visual impact on the character of the original building. The SPD also states that any dormer that goes above the ridge height of the host building will not be acceptable.

5. As one large, L-shaped extension, the appeal proposal would represent exactly the type of roof extension the SPD advises against. The part over the rear projection would also extend above the ridge height to this part of the building, further contrary to the advice in the SPD.
6. Due to its size, shape and bulk, the proposed extension would dominate the rear roof slopes of the existing building, significantly altering its traditional form and appearance. It would be openly seen in the outlook from properties to the rear, and from adjoining gardens, as a top heavy and cumbersome addition that would fail to harmonise with the original dwelling and which would appear incongruous in its setting. This failure to satisfactorily relate to the original host building means that the proposal would directly conflict with the requirements of part A (i) of Policy DM4 of the Council's Development Management Policies Local Plan (DMP), adopted in 2013. By failing to display a standard of design that adequately responds to its context the proposal would also conflict with DMP Policy DM29 and the strategic aim of creating well-designed buildings required by Policy CS15 of the Council's Core Strategy 2012.
7. The appellant has drawn my attention to a successful appeal decision from August 2019 relating to what I understand to be a similar type of proposal at 14 Rectory Road (Ref APP/U5930/D/19/3231117). I have not been provided with a copy of the plans that were permitted at No 14 and am therefore unable to make any direct comparisons between the two proposals. Nevertheless, the Inspector in the case at No 14, which is on the opposite side of the road, noted a variety of roof forms and rear extensions nearby and concluded that the proposal would not look out of character with its surroundings. Those findings do not reflect my own as far as they relate to the circumstances at No 37. I am aware that planning permission was also subsequently given for another similar development at 18 Rectory Road but that property clearly sits within the context of No 14.
8. The appellant has highlighted on the planning drawings the extent of a roof alteration that they argue could be built as permitted development. I note also that the Inspector for the case at No 14 gave considerable weight to a fallback position for a smaller but similar proposal that had been formally determined to be lawful for that property through the issue of a Lawful Development Certificate. In this instance, whilst I understand that some form of roof alteration could be undertaken as permitted development, there is no formal identification of what exactly could be lawfully constructed without obtaining planning permission from the local planning authority. I therefore attribute only a small amount of weight to this argument in this case. In any event, based on the information depicted on the planning drawings, the proposal that is before me would be significantly larger and more intrusive than that which the appellant alleges would be permitted development.

Conclusion

9. For the reasons given, I find that the proposal would be harmful to the character and appearance of 37 Rectory Road and the wider area. Paragraph 2 of the National Planning Policy Framework 2021 states that planning law requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The weight that I attach to the other material considerations that have been put to me in this instance is not sufficient to outweigh the harm that I have identified

and the conflict with the development plan. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR