



Appeal Decision

Site visit made on 4 November 2022

by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/U5930/W/22/3300205

98 Heathcote Grove, Chingford E4 6SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Mottram against the London Borough of Waltham Forest.
 - The application Ref 220538 is dated 22 February 2022.
 - The development proposed is for a ground floor side extension, first floor rear extension and roof extension to the existing 5 room House in Multiple Occupation in order to provide improved living conditions for residents.
-

Decision

1. The appeal is dismissed.

Main Issues

2. This is an appeal against the Council's failure to determine the planning application within the statutory timescale. The Council has written an appeal statement which explains the reasons why it would have refused planning permission had it been in a position so to do. In this context, the main issues are the effect of the proposed development upon (i) the character and appearance of the building by reason of the additions to the main roof and dormer roof extension and (ii) the living conditions of the occupiers of 96 Heathcote Grove in respect of the light to its rear garden area.

Reasons

Character and Appearance

3. The appeal site is located within a residential area with properties of different designs, but which are mainly two storeys in height with a mixture of gabled and hipped roofs. Properties are constructed using brick and render and have front and rear amenity spaces, the former of which are often given over to off-street car parking.
4. The appeal property is a two-storey development with a hipped roof, but which includes a two storey front gable with a pitched roof. Its front amenity space is mainly hard surfaced. There is an existing single storey rear extension.
5. The adjoining, detached residence at No 96 Heathcote Grove mirrors the appearance of the appeal property. The two buildings are separated by a side footpath of about 2 metres in width, in the ownership and control of the

appellant, and which leads to the rear of the appeal property. To the other side of the latter is the Chingford Mount Cemetery.

6. The appeal proposal includes the addition of a single storey extension to the side of the property, facing the cemetery and which would abut the public footpath along its length. When considered on its own and ignoring the other appeal proposals, it would not have an adverse impact upon the character and appearance of the building or the street scene.
7. The proposed development would include a first-floor rear extension over most of the existing single storey ground floor extension, including an extension of the existing roof over it to include a box-type dormer facing the cemetery. There would be three roof lights facing the adjoining property at No 96 Heathcote Grove. The roof line, when viewed from the rear of the property, would be changed from a hip to a gable.
8. The proposed development would include a large box-type dormer on the side of the first-floor extension facing the cemetery. I was able to note on my site visit that, in the main, roofs in the area are largely unbroken, and that dormers, when they do occur, are mainly on rear elevations, though the properties directly opposite the appeal site have dormer-style extensions facing the cemetery. However, the latter do not add to the character and appearance of the area when seen from the cemetery and do not constitute a reason to perpetuate such a feature as part of the appeal proposal.
9. The proposed first floor extension with the proposed dormers would be visible from the walkways in the cemetery and would, by its size and overall design, appear as an incongruous addition which would have an adverse effect upon the character and appearance of the building and the area. The adverse impact would be accentuated by the transformation from a hip to a gable and which would also be viewed from the public realm.
10. Therefore, I conclude that the proposal would not accord with the overall design requirement of policies CS15 of the Waltham Forest Local Plan-Core Strategy 2012 (CS) which requires high quality design which contributes to local distinctiveness. It would be contrary to policies DM4 and DM29 of the Waltham Forest-Development Management Policies 2013 (DMP) which also require a high standard of design and for new development to relate well to the host building and the street scene. Neither would it accord with the Council's Supplementary Planning Document: Residential Extensions and Alterations 2010 (SPD) which requires development to integrate with its surrounding context.

Living Conditions 2013

11. The adjoining No 96 Heathcote Grove is located on the north side of the appeal property. The latter includes a single storey extension which projects beyond the side elevation of its neighbouring property, some 2 metres away from the boundary line between the two. The proposed development, by the addition of a floor with a gable elevation over most of the single storey extension, would have an impact on light to the rear amenity area of No 96 Heathcote Grove. Moreover, such an impact would be likely to have its effect on the nearest part of the amenity area to the dwelling and which is most likely to be the most intensively used part of it.

12. I have no technical information before me regarding light levels but owing to the proximity and scale of the proposed two-storey element, and its location to the South of No 96 Heathcote Grove, I consider that light levels to the latter property would be significantly and adversely affected.
13. Therefore, I conclude that the proposed development, by reason of the size, scale and siting of the two-storey part, would be contrary to CS policy CS13 and DMP policy DM23 which are concerned with the provision of health and wellbeing and in so far as the protection of light to adjoining occupiers of premises is concerned with this. It would not accord with DMP policies DM4 and DM32 which aim to prevent the loss of residential amenities to adjoining residents. CS policy CS15 and DMP policy 29 and the SPD require good design, are not specifically relevant to this issue.

Other Matters

14. The proposed development would improve the facilities for the occupiers of the HMO and the local planning authority raises no objection relating to car parking. However, these matters do not outweigh my conclusions upon the main issues.

Conclusion

15. For the above reasons, I conclude that the appeal should be dismissed.

S Hartley

INSPECTOR