

Appeal Decision

Site visit made 10 January 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref. APP/U5930/D/22/3309630 8 Mulberry Close, London E4 8BS

- 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 Abdul Malik against the decision of the Council of the London Borough of Waltham Forest.
 - The application ref. 222333, dated 11 August 2022, was refused by notice dated 6 October 2022.
 - The development proposed is described on the application form as "Proposed 2 storey and single storey side extension".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of proposed work given on the Council's decision notice does not make complete sense. I am satisfied that the description of proposed works set out on the application form is sufficiently accurate.
3. As I explained to the appellant's representatives at my site visit, the Planning Inspectorate had received a request from a third party inviting any Inspector appointed to the case to judge the appeal proposal from a neighbour's land. So in addition to my visit to 8 Mulberry Close, I inspected the appeal site from the rear-facing rooms and back garden of 8 Lambourne Gardens.

Main issue

4. The main issue in this case is derived from my reading of the Council's decision notice; it is the effect of the proposed extension upon the character and appearance of the host dwelling and the Mulberry Close street scene.

Reasons

5. The appeal concerns a 2-storey semi-detached house on the south-western side of Mulberry Close, a short cul-de-sac with a narrow carriageway. No. 8 occupies a prominent corner location such that its side elevation faces towards the front of nos 9, 10 and 11 which are sited to the north-west across the turning head at the closed end of the road. The front elevation faces the main section of the road. The houses follow an L-shaped layout around the cul-de-sac, the north-eastern side of which is free from housing development.
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6. No outstanding urban architecture is evident hereabouts, but it is nonetheless a very pleasant residential area with all of the houses on the cul-de-sac being of a similar design and age. Their semi-detached form and paired full-height front bays are their main defining features. Whilst some of the dwellings have had side extensions or roof enlargements, the 14 houses in 7 pairs along Mulberry Close provide a sense of uniformity of design and appearance that draws the eye and makes for a locally distinctive and attractive street scene. Given this uniformity, the narrow width of the road and the cul-de-sac location, the dwellings appear to form an enclave with its own character and identity.
7. The original appeal dwelling has already been extended to the side and at roof level to the rear. I observed that a single-storey rear extension is being constructed presumably as permitted development. The proposed 2-storey and single-storey side extension would be joined to the previous side extension.
8. The fact that the appeal dwelling has already been extended to the side cannot be ignored because Policy DM4 of the Council's Development Management Policies Local Plan (DMP) expects extensions to "... *relate to the original 'host' building...*". Given the obvious uniformity of the original buildings, the additional width of the existing appeal dwelling that resulted from the previous extension can be readily detected in public views from the street.
9. Whether the proposed extension is assessed in individual or cumulative terms, substantial mass and bulk would be added to the side of the main building. Whilst the front of the proposed 2-storey side extension would be set back 1 m from the principal front elevation and its ridge would be well below the existing ridge height, the plans show that the new side extension would be well over half the width of the original building. Taken together with the first side extension, the project would result in the width of the original house being increased by about 122%.
10. I cannot accept that the scheme would provide a subordinate extension to the original host building. Rather, it would be disproportionately large, have a significantly adverse visual impact upon the host dwelling, unbalance the pair, fail to respect the size of the other houses in the cul-de-sac and be detrimental to the street scene, with the property taking on a likeness to a terraced built form and failing to reinforce and/or enhance local character and distinctiveness.
11. I accept that the appeal property has extra space to the side as a result of being on a corner plot. However, the substantial infilling of the original open side garden between the dwelling and the screen fencing that forms the site's boundary to the side would make the extended building appear unduly prominent in the street scene. It would also materially diminish the sense of openness in this corner of the cul-de-sac which is no doubt appreciated by the public, including the occupiers of those dwellings who enjoy views out towards the visual gap provided by the side garden. This erosion of the spacious qualities of this prominent location would be another unfortunate consequence.
12. In all the above respects, the scheme eschews various general and detailed design principles within the Council's Supplementary Planning Document Residential Extensions and Alterations which seek to ensure, amongst other things, that the scale and design of extensions maintain harmony with the original building, have regard to the effects on the street scene and take into

- account the cumulative effect of additions where a house has already been extended.
13. The use of matching bricks and tiles would not overcome the visual harm. Rather, finishing the extension in rendered brickwork, as proposed, would, in my view, draw further unwelcome attention to the development. There may not be any other opportunities in Mulberry Close for such cumulatively large side additions to a dwelling and extension schemes on other sites in the same cul-de-sac or elsewhere nearby must be considered on their own merits. I have therefore attached very little weight to the Council's claim that approval of the scheme would set a poor precedent for future developments.
 14. I find on the main issue that the proposed extension would harm the character and appearance of the host dwelling and the Mulberry Close street scene. This would be contrary to Policy CS15 of the Council's Core Strategy Local Plan and DMP Policies DM4 and DM29 which, when read together, expect developments of this type to be of high quality architecture and urban design, to reinforce and/or enhance local character and distinctiveness, and to relate to the original host building and respect the street scene and character of the area.
 15. The scheme would inevitably make more efficient use of the land. However, the National Planning Policy Framework also advises that good design is a key aspect of sustainable development; so, development should add to the overall quality of the area and be visually attractive as a result of good architecture and sympathetic to local character. I consider that the appeal proposal is ill-judged in these important respects.
 16. The Council's emerging Local Plan Shaping the Borough – Proposed Submission Document is still some way off adoption and Policy 56 Delivering High-Quality Design would not take a decision-maker down a different route. The modest increase in intensification at the appeal site would only be achieved at the expense of local character and distinctiveness.
 17. Representations, including a petition, expressed concerns about the effect of the proposal on a number of other grounds. I have studied these closely and when viewed in the round, I would not depart too far from the responses given on page 2 of the Planning Officer's Delegated Report (DR).
 18. That said, in terms of neighbouring residential amenities, the DR addressed the potential impacts on 7 Mulberry Close and 8 Lambourne Gardens and raised no objections. For the avoidance of doubt, reasonable separation would remain between nos 9, 10 and 11 Mulberry Close and the proposed extension which would not have any upper floor windows in the side of it. As 7 Mulberry Close is on the opposite side of the appeal dwelling to the proposed extension, I accept the findings of the DR in respect of that property.
 19. However, I take a contrary view insofar as 8 Lambourne Gardens is concerned. This is one of the dwellings to the rear and the appeal property is very awkwardly placed in relation to it. The original rear elevation of the appeal property almost lines up with the rearmost corner of the angled garden boundary of this neighbouring property. Although the proposed extension would be sited at a slight angle to the common boundary, the 2-storey part of it would still be only a handful of metres away. I have no doubt that it would appear as an overbearing feature, particularly in the outlook from the rear

garden of 8 Lambourne Gardens reducing the views northwards of the sky and mature trees. The proposed inclusion of an upper floor window in the opposing elevation, in such close proximity, is likely to lead to an uncomfortable perception of being overlooked even though the window is shown to serve a shower room. These findings point to a proposal that would have an unneighbourly impact and lend further weight to the decision I have reached in this appeal.

20. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations.
21. For the reasons given above and taking into account all other matters raised by the main parties and by third parties, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR