



Appeal Decision

Site visit made on 10 January 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/U5930/W/22/3299787

49 Warner Road, London, E17 7DY

- 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 Livia Rao against the decision of Waltham Forest London Borough Council.
 - The application Ref 214022, dated 24 December 2021, was refused by notice dated 14 March 2022.
 - The development proposed is for a new side dormer to the existing rear roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reason for refusal refers to Policy CS13 of the Core Strategy. However, this policy relates to health and wellbeing and my attention has not been drawn to any wording in it that relates to the main issue.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the positioning of the proposed dormer window.

Reasons

4. The appeal property comprises a first floor flat and lies within a residential area, characterised by 2 storey, terraced housing. The rear elevations of the host terrace feature 2 storey projections which are of a uniform design and form. This homogeneity is a noticeable characteristic of the host terrace and positively contributes to the character and appearance of the area.
5. The proposed development relates to the installation of a dormer window on the side elevation of the existing rear projection. Unlike neighbouring terraces, the rear projections of the host terrace are unaltered. Consequently, whilst the scale and design of the proposed dormer window would be in keeping with the existing rear dormer and compliant with the Council's Residential Extensions and Alterations Supplementary Planning Document 2010 (SPD), its positioning would disrupt the homogeneity and rhythm displayed in the host terrace. Thus, I find that the appeal proposal would read as a visually intrusive and incongruous form of development.

6. I acknowledge that properties¹ within neighbouring terraces have been significantly altered and extended and include dormer windows similar to that of the appeal proposal. Nevertheless, the varying design and scale of the nearby extensions means that there is not the same uniformity displayed within the respective rows. As such, these examples do not compare to the appeal proposal. Turning to Nos 71 and 122 Northcote Road, these properties are not located within immediate proximity of the appeal site and therefore do not form part of the character and appearance of the area of the appeal site. Accordingly, I give these examples limited weight in my considerations.
7. I mindful of the appellant's comments regarding the scope of permitted development rights as prescribed within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order [GPDO] 2015 (as amended). These rights however do not apply to flats, and therefore permission is required, nonetheless. Whilst I sympathise with the appellant and recognise that other properties in the locality could theoretically erect similar dormers, the evidence before me does not persuade me that the proposed development is justified on this basis.
8. Although the proposed dormer window would not be visible from Warner Road or indeed located within a Conservation Area, for the above reasons, I find that the proposed development would harm the character and appearance of the area. The proposal is therefore contrary to Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 (Core Strategy) together with Policies DM4 and DM29 of the London Borough of Waltham Forest Local Plan Development Management Policies 2013. Collectively, and amongst other aspects, these policies seek to ensure that development proposals are of the highest quality and respond positively to the local context and character. I also find the proposal to be inconsistent with the overall objectives of the SPD which seeks to secure high standards of design in all developments within the borough.

Conclusion

9. In concluding this appeal, having regard to the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Wilkinson

INSPECTOR

¹ Nos 12 and 14 Suffolk Park Road and Nos 188, 192 and 194 Warner Road