



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: 20th February 2023

Appeal Ref: APP/U5930/D/22/3307092

3 Meadows Close, Waltham Forest, Leyton, E10 7DH

- 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. S Shajimon against the decision of Waltham Forest London Borough Council.
 - The application Ref 221824, dated 20 June 2022, was refused by notice dated 16 August 2022.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant was not in attendance at the site visit despite being notified that access was required. Nevertheless, I was able to adequately view the relevant parts of the appeal site from public land and have therefore determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the area;
 - the living conditions of the occupants of No 2 and No 4 Meadows Close with regard to the loss of daylight, overshadowing and outlook.

Reasons

Character and appearance

4. The appeal property comprises a 2 storey mid-terrace and lies within a cul-de-sac characterised by housing of a similar design and scale. The rear elevations of the host terrace at ground floor level are largely screened from public view given the height of existing boundary treatments. However, due to the orientation of the terrace in relation to the adjacent highway, the rear elevations, at first floor level are highly visible. The lack of alterations and extension at this level, provides a sense of uniformity and spaciousness across the terrace which positively contributes to the character and appearance of the area.
5. The proposed development includes the erection of a first-floor extension which would extend the full width of the appeal property. The proposed extension, by virtue of its width and depth would read as a bulky addition to the appeal property. Furthermore, whilst it is noted that the external materials would match the existing dwelling, the overall form of the proposed extension would be at odds with the

otherwise simplistic and uniform appearance of the host terrace at first floor level. This disruption would be further exacerbated by the position of the appeal property in the middle of the terrace. For these reasons, the proposal would read as a dominant and incongruous form of development, particularly when viewed from neighbouring gardens and public land.

6. Accordingly, the proposed development would harm the character and appearance of the area contrary to Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy 2012 (Core Strategy) together with Policies DM4 and DM29 of the Waltham Forest Local Plan Development Management Policies 2013 (Local Plan). 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 whilst also improving housing quality within the borough. I also find the proposal to be inconsistent with the overall objectives of the Council's Residential Extensions and Alterations Supplementary Planning Document 2010 (SPD) which seek to secure high standards of design in all developments.

Living conditions

7. The proposed extension would extend out several metres from the appeal site along the shared boundary with No 2 and No 4 Meadows Close. These neighbouring properties feature compact rear gardens which are accessed via glazed doors. There is a single window located in the first-floor elevation of the respective dwellings. Based upon my observations on site, it would appear that these windows serve habitable rooms.
8. The appeal lies to the north of No 2 and to the south of No 4. The location of No 2 in relation to the appeal property would ensure that the proposal would not introduce any harmful overshadowing or loss of daylight. However, by virtue of its location relative to No 4 and overall dimensions, the proposed extension would introduce overshadowing of the rear garden area whilst there would be a reduction in daylight reaching the habitable room windows. This would result in dark, uninviting rooms and outdoor space.
9. The proposed development would extend above the openings of No 2 and No 4 for several metres within close proximity to them. Although the outlook of the neighbouring properties is already, to some extent restricted due to the width and depth of the respective plots, the proposed extension by reasons of its height, depth and proximity would be overbearing when viewed from the rear windows and gardens of No 2 and No 4 leading to an uninteresting and restricted outlook for the occupiers of the said properties.
10. For these reasons, I find that the appeal proposal would harm the living conditions of the occupants of No 2 and No 4 with regard to the loss of daylight, overshadowing and outlook. The proposal is therefore contrary to Policies CS13 and CS15 of the Core Strategy together with Local Plan Policies DM4, DM23, DM29 and DM32. Amongst other aspects, these policies seek to promote health and well-being within the borough by securing high quality design which protects the occupiers of neighbouring properties from suffering any excessive loss of residential amenity. The proposal is also inconsistent with the Council's SPD which, amongst other objectives seeks to promote neighbourliness and avoid adverse effects to amenity.

Other Matters

11. It has been put to me by the appellant that the proposal would have a positive impact on the life of the family currently occupying the appeal property. However,

the evidence before me does not confirm that the proposed extension is the only way of providing this benefit. In any case, personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances cease to apply. I therefore give this limited weight in my considerations.

Conclusion

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

H Wilkinson

INSPECTOR