



Appeal Decision

Site visit made on 28 March 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/U5930/D/22/3305984

28 Netley Road, Waltham Forest, Walthamstow E17 7QD

- 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 Ms Ruby MacLean against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 221422, dated 12 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is the demolition of existing single storey outrigger and back wall and construction of two storey rear extension, single storey rear infill extension, dormer roof extension to main rear roof and roof extension above two storey outrigger, together with installation of two roof lights to front roof slope
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. I have taken the description of development from the Council's decision notice, which is more accurate than that provided in the application form.

Main Issues

3. The main issues are: the effect of the proposed development on: the character and appearance of the surrounding area; and the living conditions of occupiers of No. 26 Netley Road with regard to light.

Reasons

Character and appearance

4. The site is an end of terrace dwelling at the corner of Netley Road in a residential area. The rear of the site and neighbouring properties are visible from Glen Road. While a range of rear extensions and alterations are experienced from this location, they largely retain a simple form and design. The proposal would demolish the outrigger and back wall at the site and make various alterations to the property, including a single storey rear infill extension, first floor rear extension, and 'L' shaped rear dormer.
 5. The main parties agree that the principle of single storey rear infill extensions is established in the area. However, the proposal would be distinguished by its curved roof. While designed to minimise the impact on neighbouring properties, intentionally juxtapose the existing building, and pick up on curved references in Victorian architecture, it remains that in this location the roof form would fail to successfully reflect the immediate character.
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6. Alongside the more simple and traditional shapes and forms of the appeal property and surrounding dwellings, the curved design of the infill extension roof would appear out of place. Although views of it would not be possible from Netley Road or Glen Road it would remain visible from neighbouring properties, where its incongruous nature would be readily apparent.
7. A curved roof form is also proposed at the outrigger element of the rear dormer, connected to the proposed main dormer by way of an 'access tunnel'. The Waltham Forest Residential Extensions and Alterations Supplementary Planning Document February 2010 (the SPD) states that where there is an 'L' shaped footprint to a building, permission will not normally be granted for dormer extensions that turn the corner to create one large extension. While this is guidance rather than policy, it remains a material consideration.
8. The access tunnel would be set back from the sides of the dwelling and the main dormer would be set down from the main ridge and sides of the roof. However, the combination of the dormer elements in this corner plot would create a dominant 'L' shaped extension. I note other large dormers in the area, including the 'L' shaped dormer at No. 22 Netley Road. I further acknowledge the appeal decisions¹ allowing corner 'L' shaped dormers in the borough. However, each of these have simple, flat roofs. In addition to the proposed dormer being dominant due to its corner plot, its visual impact would be further increased by the complicated roof profile due to the mix of flat and curved elements. Overall, it would appear visually jarring in context.
9. The proposed first floor rear extension would run along the eastern boundary of the site, adjacent to Glen Road. It would have a roof pitch to match the current single storey outrigger at the site, with the highest point of the monopitch roof lining up with the eaves height of the main dwelling. Nevertheless, due to its height and depth when viewed from Glen Road it would result in a sizeable expanse of built form adjacent to the highway, which would read as an overwhelming and imposing addition to the streetscape.
10. The combination of the rear infill extension, 'L' shaped dormer and first floor extension would create a visually discordant dwelling when viewed from Glen Road. The appellant asserts that the corner plot provides an opportunity to provide visual interest. However, in overall failing to reflect or assimilate with the surrounding character, primarily defined by traditional dwellings with additions that, although varied and sizeable, are sympathetic to the property forms and designs, the proposal would cause undue visual harm.
11. For the reasons given, the proposal would have a significant adverse effect on the character and appearance of the area. It would fail to comply with Policy CS15 of the Waltham Forest Local Plan Core Strategy, March 2012 (the CS), Policies DM4 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan, October 2013 (the DMP) and the Waltham Forest Urban Design Supplementary Planning Document insofar as they seek to ensure development relates and responds to the host building, local context and character and takes account of pattern of development and urban form. While reference is also made to Policies CS2 and CS13 of the CS, these relates to housing choice and health and wellbeing, respectively.

¹ APP/U5930/D/20/3264004; APP/U5930/D/21/3274650

Living conditions

12. The appeal property adjoins No. 26 Netley Road to the west, which has a rear outrigger with windows facing the appeal site. Habitable room windows are also present on the ground floor rear elevation of No. 26, adjacent to the shared boundary with the appeal property.
13. The proposal would introduce additional built form in proximity to this neighbouring dwelling, most notably the proposed outrigger which would run along the shared boundary. Despite its curved roof this element of the proposal would result in a narrow corridor to the rear of No. 26, flanked either side by outrigger projections. It would rise above the ground floor rear windows at No. 26, including those facing the site. In addition, the first floor rear extension and outrigger dormer elements of the proposal, while set back from No. 26, would significantly increase the height of built form to the east of this neighbouring property.
14. Although no assessment has been undertaken using the 45 degree rule, it remains that the scale and positioning of the proposal relative to the windows on the ground floor rear elevation and those on the eastern side of the outrigger at No. 26 would reduce the amount of light reaching these spaces. This would cause additional overshadowing and increase the length of time during the day when the associated rooms would lack direct sun, reducing occupiers' enjoyment of these spaces.
15. For the reasons given, the proposal would have a significant adverse effect on the living conditions of occupiers of No. 26 Netley Road with regard to light. It would fail to comply with Policies DM4 and DM32 of the DPD, insofar as they seek to ensure that daylight and sunlight is maintained for neighbours in their homes and that neighbours do not suffer an excessive loss of amenity. While reference is also made to Policy CS15 of the CS, this relates to design.

Other Matters

16. The personal circumstances of the appellant are acknowledged, whereby the proposal would allow the house to meet the modern day to day needs of a growing family. However, personal circumstances will seldom outweigh planning considerations and in this case do not outweigh the harm identified.

Conclusion

17. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR