
Appeal Decision

Site visit made on 4 May 2023

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June, 2023

Appeal Ref: APP/U5930/D/23/3316043

31 Jewel Road, Walthamstow, London, E17 4QU

- 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 Elizabeth Choppin against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 223362, dated 24 November 2022, was refused by notice dated 18 January 2023.
 - The development proposed is demolition of existing rear lean-to and addition of single-storey side infill extension and rear extension to existing dwelling house.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers, with particular reference to outlook and light.
 3. The proposals would see the infilling of the existing side return that lies between 31 Jewel Road and the adjoining house of No. 29. This extension would be 5m deep and 3.4m tall, though with a change in levels to No. 29 the height on the boundary would be 2.8m. There are ground floor windows on the rear elevation and the side return elevation to No. 29.
 4. I saw at my site visit that the area between the two side returns of Nos. 31 and 29 is restricted in outlook and light due to the close proximity of the houses, and the depth and height of the side returns; a typical feature of terraced houses of this era and location in London. It is evident to me that, to ensure a good standard of living accommodation in the houses then a reasonable degree of outlook is necessary for occupants.
 5. I share the concerns of the Council and the occupier of No. 29 that the depth, height and proximity of the proposed extension would be unduly imposing upon the outlook from No. 29. The infilling of this area would create a raised wall on the boundary that would impose upon the property and create an unacceptable overbearing impact.
 6. The Council have referred me to their Supplementary Planning Document: Residential Extensions and Alterations 2010 (SPD) and I note this document states it is often inappropriate to extend properties of this type in the manner
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proposed: it is stated that the borough's Victorian houses '*are often terraced, on narrow plots and L-shaped. It is generally inappropriate to square the property off by infilling the 'L-shape'. This can create a 'tunnel effect' for your neighbour and therefore be too overbearing*' (paragraph 5.2.1). For the reasons given earlier, in this instance I concur with this guidance.

7. I have further concerns regarding the effect on levels of light to No. 29. I note the appellant's reference to a 45 degree line in the vertical plane and how this is said to demonstrate compliance with BRE (Building Research Establishment) guidelines. But a single measure of this type is only a guidance and not a substitute for a full analysis of effect on light in accordance with accepted BRE guidance. I further note that the '45 degree rule' as set out in the SPD refers to the angle being assessed in the horizontal, rather than the vertical, which reinforces my concern that the scheme's compliance with 45 degrees in the vertical is not firm enough evidence there would be no impact upon the neighbour.
8. The proposed rear extension on the boundary with 33 Jewel Road would replace an existing lean-to extension, and adjoin the existing extension to No. 33. This would have no effect on the amenity of occupants of that property.
9. However, for the reasons given I consider the submitted drawings and accompanying information demonstrate to me there would be harm to the outlook from 29 Jewel Road, and levels of light to that property. Policies CS13 and CS15 of the Waltham Forest Local Plan Core Strategy 2012, and Policies DM4, DM29 and DM32 of the Waltham Forest Development Management Policies Local Plan 2013 seek to ensure that all new development, among other matters, does not lead to excessive loss of residential amenity. Similar objectives are set out in the SPD. The proposed development would conflict with these Policies and the SPD.
10. The proposed development would be of a design that is appropriate to the host building and the wider area. However, the harm arising on the main issue and consequential conflict with the development plan outweighs other considerations. The appeal is therefore dismissed.

C J Leigh

INSPECTOR