



Appeal Decision

Site visit made on 14 June 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/U5930/W/22/3306734

6-7 West Avenue, Walthamstow E17 9QN

- 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 Harp Lakhan against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 221327, dated 5 May 2022, was refused by notice dated 4 August 2022.
 - The development proposed is the replacement of flat roofs to the main building and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a daylight and sunlight assessment, which the Council has had the opportunity to comment on as part of the appeal. I am therefore satisfied that no party has been prejudiced by my taking this into account in my determination of the appeal.
3. The Council's submissions are clear that the reasons for refusal relate only to the proposed pitched roof on the rear extension of the appeal property and not to that roof proposed on the main building. I have therefore proceeded on this basis.

Main Issues

4. 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 Nos. 6-6A West Avenue with regard to outlook and light.

Reasons

Character and appearance

5. The site is a two storey detached building with single storey rear extension, currently in use as a nursery. The extension is sizeable, spanning the full width of the site and projecting from the main building to the rear boundary leaving no external amenity space to the rear. The surrounds are predominantly residential, made up primarily of dwellings and apartment blocks with rear external space. The proposal seeks to replace the flat roof of the appeal property with a pitched roof.
6. Due to the dimensions of the rear extension, the proposed pitched roof on this part of the building would appear sizeable and bulky. While it would not be

readily visible from West Avenue to the front or East Avenue to the rear, it would be clearly seen from gardens of immediately neighbouring properties and the external spaces of nearby apartment blocks. Even though views of this roof as a whole would not be possible and its pitch would slope away from neighbouring boundaries, its visible height and bulk from these locations would nevertheless read as unduly dominant.

7. At present, the site does not reflect the predominant pattern of development on the street. It is a sizeable nursery building with no rear external space. Compared to the more modest residential dwellings with rear garden space, and the apartment blocks with car parks and grassed areas, it reads as an overly large expanse of built form, cramped and contrived within the site.
8. While the proposed pitched roof would be of the minimum degree for a tiled roof, it would nevertheless exacerbate the incongruous nature of the appeal property. Although reflective of the pitched residential roofs on the street, its scale would serve to further highlight the property as out of place in the context of both the site itself and the surrounds. Even acknowledging the single storey nature of the extension and its rear placement, the proposed pitched roof would fail to read as a subservient addition, appearing unduly bulky and visually overwhelming in context.
9. 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), Policy 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 (the UDSPD) insofar as they seek to ensure development relates and responds to the local context and character, particularly in terms of height and scale.

Living conditions

10. Concerns have been raised that the proposal would cause harm to the living conditions of residents of Nos. 6-6A West Avenue with regard to outlook. Nos. 6-6A are located to the north-west of the site, with a long, rear garden. The rear elevation of this property is largely in line with the that of the main building at the site. While the proposed pitched roof along the rear extension of the appeal property would be slightly set back from the boundary with the rear garden of Nos. 6-6A, it would run along the entire length of this section of the boundary.
11. The proposal would inevitably create a change in the outlook from the habitable room windows on the rear elevations of Nos. 6-6A, being clearly visible from this location. Its positioning along the entirety of the rear garden boundary, when combined with its scale and bulk, would result in it a sense of enclosure from both the rear garden and windows of these properties.
12. Even acknowledging that the roof would slope away from Nos. 6-6A and remain the same height as the current roof at the closest point to this neighbouring property, it would still be readily perceptible due to its overall height and added built form. This would result in an overbearing feature when viewed from the rear garden and windows of Nos. 6-6A, reducing users' enjoyment of these spaces. While reference is made to intervening boundary

trees, I did not observe anything on my site visit that would soften or screen the proposal from Nos. 6-6A to any significant degree.

13. Concerns were also raised that the proposal would result in harm to the living conditions of the occupiers of Nos. 6-6A with regard to light. The appellant has submitted a Daylight and Sunlight Assessment with the appeal that finds that the rear windows of 6/6A West Avenue would not be materially affected in terms of natural light amenity due to their positioning relative to the proposed roof. However, no assessment of the light reaching the rear garden of Nos. 6-6A has been carried out.
14. Based on my observations, the scale and positioning of the proposed rear roof relative to this garden, stretching along the boundary, would reduce the amount of light reaching this space. This would cause additional overshadowing and increase the length of time during the day when the closest parts of the garden of Nos. 6-6A would lack direct sun, overall reducing the occupiers' enjoyment of the garden area.
15. For the reasons given, the proposal would have a significant adverse effect on the living conditions of occupiers of Nos. 6-6A West Avenue with regard to outlook and light. As such, it would fail to comply with Policies DM29 and DM32 of the DMP; and the UDSPD insofar as they seek to ensure development addresses the potential impact on neighbouring amenity, ensuring daylight, sunlight and outlook is maintained. While Policy CS15 of the CS has also been referenced this relates to design.

Other Matters

16. The site adjoins the Orford Road Conservation Area at its rear boundary and the locally listed Marsh Street and Trinity United Reformed Church is to the south at the corner of Orford Road and West Avenue. However, the main parties agree that the proposal would not cause harm to these heritage assets or their setting. Based on my observations, I have no reason to disagree.
17. The appellant contends the proposal would stop leaking from the roof of the appeal property, creating a better environment for children and staff. However, I am not convinced of the absence of another solution that would not conflict with local policy. In any event, such personal circumstances carry limited weight.
18. The appellant has stated that the Council's pre-application advice was positive, however I must consider the merits of the case before me. I am therefore able to give only limited weight to any pre-application discussions that took place. Even when taken together with the weight attached to the potential for the proposal to stop leaks, this would not outweigh the harm identified above.

Conclusion

19. 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