



Appeal Decision

Site visit made on 23 October 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/U5930/D/23/3325622

67 Ferndale Road, Leytonstone, Waltham Forest E11 3DW

- 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 Jon Harris against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 222918, dated 7 October 2022, was refused by notice dated 24 April 2023.
 - The development proposed is a L shaped dormer, raising of the ridgeline, floor plan redesign and all associated works at 67 Ferndale Road.
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Decision

1. The appeal is allowed and planning permission is granted for a L shaped dormer, raising of the ridgeline, floor plan redesign and all associated works at 67 Ferndale Road, Leytonstone, Waltham Forest E11 3DW in accordance with the terms of the application, Ref 222918, dated 7 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: B76463 – 01- 3500 A, B76463 – 01- 1100 A, B76463 – 01- 3501 A.
 - 3) The materials to be used in the construction of the external walls of the development hereby permitted shall match those of the existing dwelling.

Preliminary Matter

2. The Council's reason for refusal refers to Policy CS2 of the Waltham Forest Core Strategy (CS). This policy relates to delivering housing growth and, given that the development would extend an existing dwelling, this policy is not of direct relevance in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the area.

Reasons

4. The appeal site comprises a two-storey dwelling within a terrace fronting Ferndale Road. The area is characterised by terraced dwellings, including at Montague Road and Malvern Road, with gardens to the rear. The properties in the area typically have rear outriggers, including at the site. Some properties in the locality have additions to the roof, including L-shaped dormers.

5. The proposal includes a L-shaped dormer to the rear roofslope and the outrigger. The development would retain the form of the dwelling through its set back position from the eaves and from being set in from the rear elevation of the outrigger. However, the addition would be of a substantial scale.
6. The scale of the development would be appreciable in views from the rear of properties in the locality and in glimpsed views from Malvern Road. Furthermore, the size of the development would be apparent from Ferndale Road through the increase in ridge height, albeit the effect is reduced by the varied ridge line within Ferndale Road. This conclusion is reflected in the Council's decision¹ to permit an increase in ridge height under an extant planning permission for a rear dormer.
7. I note that the proposal includes additional works, including elevational alterations. The Council does not raise concerns with these elements of the proposal, and I see no reason to disagree.
8. I conclude that the proposal would be of a scale contrary to the character and appearance of the host dwelling and the area. The development would therefore conflict with CS Policy CS15 and Policies DM4 and DM29 of the Waltham Forest Local Plan Development Management Policies, which seek to ensure that developments enhance local character in relation to the architectural integrity of the existing building and the area. Furthermore, the proposal would conflict with the Residential Extensions and Alterations SPD, which states that permission will not normally be granted for L-shaped dormers as they would have too great a visual impact.
9. I acknowledge the Council's assertion that the appellant has sought to circumvent the policies of the local plan. However, my attention is drawn to a Certificate of Lawfulness² for a L-shaped dormer and rooflights, in addition to the earlier planning permission. It is apparent that these cannot be implemented together. The proposal is of a similar design and scale to Certificate of Lawfulness scheme and, whilst larger as a result of the increased ridge height, the appeal scheme would have a comparable visual effect to this earlier scheme and would not result in a demonstrable level of harm over and above the impact of this earlier scheme. The existence of a Certificate of Lawfulness indicates that there is a reasonable prospect that the earlier scheme would proceed and therefore would be a legitimate fallback position.
10. Furthermore, I note that the proposal would be similar to other extensions in the locality, including at Montague Road and Malvern Road. The proposal would therefore not appear out-of-character as a result of the presence of these developments.
11. Although the proposal would conflict with the development plan, the Certificate of Lawfulness scheme represents a comparable and legitimate fallback position to which I attribute significant weight. Taken together with the presence of similar developments in the locality this leads me to conclude that there are material considerations that would outweigh the identified conflict with the development plan.

¹ 213808

² 222001

Conditions

12. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
13. I have also included a condition requiring the external materials to be used to match those of the existing dwelling. This is to ensure that the proposal respects the character and appearance of the existing building.

Conclusion

14. The proposal would conflict with the development plan but this is outweighed by other material considerations. Accordingly, for the reasons given I conclude that the appeal should be allowed.

J Pearce

INSPECTOR