



Appeal Decision

Site visit made on 28 November 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/U5930/W/22/3313347

1 Lyttelton Road, Leyton, Waltham Forest E10 5NQ

- 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 David Andrew against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 221640, dated 06 June 2022, was refused by notice dated 19 August 2022.
- The development proposed is loft conversion with roof terrace private amenity space.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area and host property; and
 - the living conditions of the occupiers of neighbouring properties with particular regard to outlook, privacy, noise, sunlight and daylight.

Reasons

Character and appearance

3. The appeal building is a two-storey terraced dwelling which is located in Lyttelton Road which is predominantly residential. The proposal would not result in any changes to the frontage.
4. There is an extension and outbuilding to the rear of the appeal building with a flat roof with rooflights. The roof of the appeal building is largely unaltered with the exception of rooflights. The proposal would alter the roof of the host building and flat roof of the extension and outbuilding to create a roof terrace on each level.
5. The host building forms part of a traditional row of terraces and many of the roofs have been altered with dormer extensions and rooflights to the rear. In particular, dormer extensions have altered the rear roofscape due to their varying bulk, scale and difference in materials which has resulted in a change from the original architectural context.
6. As a result, while there are no terraces on the roofscape, the varying appearance of the roofscape on the row of terraces would mean that the proposal would generally not stand out as an alien feature in this context.

7. Furthermore, while the proposal would alter the roof it would not significantly alter its bulk as no part of the proposal extends beyond the existing footprint. It would therefore result in a subordinate feature that would not result in the overdevelopment of the appeal site.
8. I therefore conclude that the proposal would not harm the character and appearance of the area and host property. I find no conflict with policies DM4 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan Adopted October 2013 (LP). Amongst other things, these seek to ensure development respects the street scene and character of the area and respond to their context in terms of scale, height and massing.
9. I have also had regard to guidance contained within the Councils Residential Extensions and Alterations Supplementary Planning Document Adopted February 2010. Amongst other things, this seeks to ensure that development respects the street scene and local character.

Living Conditions

10. The proposal would create a terrace both on the first floor and roof. This would allow occupiers to view out towards the rear of the host building. The rear of the building is tightly constrained and is bordered by several properties including flats which have their own balcony/terraced areas.
11. 1a Lyttelton Road (Minus One House) immediately borders the appeal site and contains several flats which have their own private balconies that look out towards the appeal site. In particular, the first-floor flats and their balconies are located just below the eaves of No 1.
12. I have had regard to the photographs provided by the appellant (Section 4.4 of the statement of case) which does show that views of the roof of No 1 are possible from the first-floor balconies, even with the obscure boundary treatment. I also note that the balconies are currently being used for storage, but this could change in the future.
13. The proposal would result in the terraced areas and privacy screening being visible from the balconies of these first-floor flats which would draw attention away from views of the sky and create a feature that would be overbearing for these occupiers.
14. The proposed terraces are large areas with room for furniture, which is likely to encourage frequent use, particularly in warmer weather. While I note that a privacy screen is proposed, due to the limited height, this would provide little screening, particularly from a standing position. In this regard, due to the closeness of the flats at first-floor level of Minus One House and limitations of the proposed screening, views would be possible and as a result, there would be a loss of privacy both actual and perceived.
15. The use of the terraces would also inevitably lead to an increase in noise which would mostly affect the users of the balconies for the flats which are very close by.
16. No's 6, 8, 10, 12, 14 and 16 Dunedin Road (No's 6-16) form part of a row of terraced houses that are located on a road to the rear of the appeal site. Many

of these properties have long, narrow rear gardens and as a result, the distance between the properties is large.

17. The Council consider that the proposal would result in a loss of outlook and privacy for the occupiers of No's 6-16. However, due to the number of extensions and alterations to the rear of No 1, as well as the position of Minus One House, there would be very limited views towards the rear elevations and gardens of No's 6-16. Likewise, the occupiers of No's 6-16 would be mostly obscured when looking towards No 1 from the rear elevations and gardens of these properties. As a result, due to the distance between the properties and generally obscured views I find that there would be no harm to the outlook and privacy of the occupiers of No's 6-16.
18. The Council raise concern that the proposal would result in a loss of sunlight and daylight for neighbouring occupiers. However, no part of the proposal protrudes from the existing footprint of the host building. I note the Councils specific concern in relation to the balustrade and frosted glazing but as these would not extend beyond the existing footprint there would be no loss of daylight and sunlight for neighbouring occupiers.
19. Notwithstanding my findings on daylight, sunlight, privacy and outlook in respect of No's 6-16 and daylight and sunlight in respect of Minus One House, I conclude that the proposal would harm the living conditions for the occupiers of the first-floor flats of Minus One House with particular regard to privacy, outlook and noise. The proposal would be contrary to policy DM32 of the LP. Amongst other things, this seeks to ensure that outlook and privacy is maintained for existing occupants and their neighbours in their homes and gardens.
20. While policy CS15 of the Waltham Forest Local Plan Core Strategy Adopted March 2012 has also been cited, this relates to design rather than living conditions.

Other Matters

21. The proposal would provide external amenity space that would exceed the minimum requirements outlined in Policy DM7 of the LP. The proposal would provide additional outdoor space to future occupiers and also another means of escape in the event of a fire. However, these benefits do not outweigh the harm I have identified.
22. I note the appellant's frustration with the Council during the course of the applications consideration, including the alleged lack of communication, bias and inconsistencies. I also note that interested parties have raised concerns in relation to the potential future use and effect on property values. However, I am only in a position to consider the planning merits of the appeal.

Conclusion

23. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR