



Appeal Decision

Site visit made on 11 December 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/U5930/D/23/3326962

44 Brindwood Road, Waltham Forest, Chingford, London E4 8BD

- 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 Joe Daniel against the decision of Waltham Forest District Council.
 - The application Ref 223523, dated 14 December 2022, was refused by notice dated 16 June 2023.
 - The development is a single-storey rear extension.
-

Procedural Matters

1. The rear extension, which replaced a previously existing rear extension, and has been altered from its original 'as built' form, is already in place. The Appellant has provided an updated set of plans which include those relating to the extension as now built and for which permission is sought under this appeal. These indicate only minor differences to the plans that were the subject of the Council's determination and in my view the rights of third parties and others would not be prejudiced by their acceptance, and I have therefore based my decision on them. A Daylight and Sunlight Assessment, dated July 2023, has also been provided.

Decision

2. The appeal is allowed and planning permission is granted for a single storey rear extension at 44 Brindwood Road, Waltham Forest, Chingford, London E4 8BD in accordance with the terms of application ref: 223523 dated 14 December 2022 and subject to the following conditions:
 - 1) This permission relates to the following plans: 516/LE/REV1 Drawing No. 1A (pre-existing ground floor plan), 516/LE/REV1 Drawing No. 2A (pre-existing rear elevation), 516/LE/REV1 Drawing No. 3A (Pre-existing cross section AA), 516/LE/REV1 Drawing No. 4A (Pre-existing side elevations), 516/LE/REV1 Drawing No. 5A (existing / proposed ground floor plan), 516/LE/REV1 Drawing No. 6A (existing / proposed rear elevation), 516/LE/REV1 Drawing No. 7A (existing / proposed other side elevation), 516/LE/REV1 Drawing No. 8A (existing / proposed side elevation), 516/LE/REV1 Drawing No. 9A (existing and proposed cross section), and 516/LE/REV1 Drawing No. 10A (location and block plan).
 - 2) The external finishes of the extension hereby permitted shall match those used in the existing dwelling.

Main Issue

3. The main issue is the impact on the living conditions of the occupiers of the adjoining property, No. 42 Brindwood Road.

Reasons

4. The appeal site consists of a semi-detached dwelling located along a residential street of similar properties. The single-storey extension, which has already been built, extends to a depth of just over 5 metres from the rear elevation of the original dwelling and its attached neighbour at No. 42 and is sited right on the common boundary. It appears that it has been altered from its originally built form which included higher parapet walls either side. This appeal seeks approval for a basically flat roof finish, with a slight slope, reducing from 3.15 metres at its highest point where it is attached to the rear wall down to 3 metres at the rear elevation.
5. The Council has confirmed that in relation to the neighbouring property the height of the wall on the boundary is 2.64 metres due to the higher level at which this adjoining property stands relative to the appeal site. The Appellant appears to agree with this. It also appears to be agreed that the extension replaced a previous addition of about 3 metres depth which had a pitched roof.
6. The Council's Residential Extensions and Alterations Supplementary Planning Document, 2010 (REA SPD) provides detailed design principles in respect of extensions to dwellings which seek generally to avoid harm to, amongst other things, the amenity of neighbours. In respect of single storey rear extensions, it recommends that they are kept as low as possible, that they should generally be up to 3 metres in depth and that they should not exceed a line taken at 45 degrees from the edge of the nearest ground floor habitable window of the adjoining property. Reference is also made to the Council's Urban Design SPD including the BRE Daylight & Sunlight guidance, measures to overcome amenity concerns and the context in which development should be considered.
7. The Appellant's Daylight & Sunlight Assessment shows that the nearest affected window of the neighbouring property, the French window leading onto a patio area, would not be significantly impacted with only a minimal effect on daylight received. In accordance with BRE guidance, the sunlight received by the windows in the rear facing elevation of No. 42 are not assessed as they do not face due south (they all face north). The assessment also demonstrates that the neighbouring garden areas also retain in excess of the required measurable levels. Overall, it concludes there has not been any significant adverse daylight, sunlight or overshadowing impacts.
8. In respect of outlook, the development has resulted in a greater depth of side wall of greater height than previously existed, being visible from the rear window of the adjoining property. Furthermore, it breaches the 45-degree guidance set out in the SPD. However, I do not consider the effect to be significantly harmful given the impact of the previously existing addition, particularly when taking into account the difference in levels between the two properties.
9. Overall, therefore I find that the development is not harmful to the living conditions of the occupiers of the adjoining property. It would thereby accord with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and

Policies DM4 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013) which seek a satisfactory level of amenity for surrounding occupiers, that maintains daylight/sunlight and outlook and protects the occupiers of properties nearby from suffering any excessive loss of residential amenity. For the reasons given above, it also accords with the REA SPD and Urban Design SPD.

10. I have also taken into account the National Planning Policy Framework and find that the proposal would accord with its policies that seek well designed development that is sympathetic to local character including the surrounding built environment.

Conclusions

11. A condition to relate to the approved plans is necessary for clarity and the avoidance of doubt. Furthermore, a condition to ensure that the external finish of the extension matches the host dwelling is also necessary in the interest of visual amenity.
12. I therefore conclude that this appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR