



Appeal Decision

Site visit made on 9 January 2024

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11.03.2024

Appeal Ref: APP/U5930/D/23/3329835

123 Sinclair Road, Waltham Forest, Chingford E4 8PP

- 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 Kevin Dinh against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref: 230787, dated 21 March 2023, was refused by notice dated 28 June 2023.
 - The development proposed is first floor rear extension with L shape loft conversion over with raised parapet walls.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council advises that there are discrepancies in the submitted drawings and the development as built to date. The rear dormer is shown with a parapet wall and the Juliet balcony is not as built/proposed.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the character and appearance of the building and surrounding area, and the effect on the living conditions of neighbours at No.125 Sinclair Road in respect of received light and outlook.

Reasons

Character and appearance

4. The appeal building is a two storey house situated in the middle of a short terrace of 3 houses. It is located within a residential area, which includes houses of varying size, form and design. There is a nearby four storey block of flats known as 'Morley Court.'
5. At the time of my site inspection a single storey ground floor rear extension was under construction, the Council having confirmed that prior approval was not required. A large flat-roofed rear dormer had been constructed and claimed by the appellant to have been built under permitted development rights.
6. The adjacent dwelling at 121 has an extension on the rear roof above a two storey outrigger. I am informed there is no planning record of that extension, it

has been in place for over 4 years and is immune from enforcement action. The addition of the second floor rear extension, as proposed at the appeal building would provide a degree of symmetry with the development at 121.

7. The Council's Supplementary Planning Document: Residential Extensions and Alterations, advises that where there is an 'L' shaped footprint to the building permission will not normally be granted for a dormer extension that turns the corner of the 'L' shape to form one large extension. The proposed L-shaped dormer extension would conflict with that guidance. The dormer extension would also add unduly to the bulk of the proposed rear extensions at 123 at a high level. Although the extension would not be seen from Sinclair Road it would appear out of proportion and not subordinate when viewed from the immediately surrounding area and from the rear garden of 125 Sinclair Road.
8. I find that the proposal would have a harmful effect on the character and appearance of the building and surrounding area. It would conflict with policy CS15 of the Waltham Forest Local Plan-Core Strategy and policies DM4 and DM29 of the Waltham Forest Local Plan, all of which seek good quality design in relation to the context and character of the surrounding area.

Effect on living conditions

9. The adjoining dwelling of 125 Sinclair Road has no rear extensions. The rear elevation of the building faces almost north so that the amount of sunlight received by the occupants of the dwelling would be unlikely to change to any significant extent as a result of the proposed extensions at the appeal building.
10. The proposed first floor extension, despite running for the full width of the building, would also not be of sufficient proximity and height to cause any significant additional loss of daylight or outlook to the rear windows of 125. Although the proposed second floor extension would appear overly high and dominant when viewed from the rear garden of 125, that part of the proposed development would not be detrimental to the outlook for the occupants of that dwelling from their rear windows. I acknowledge the concern of the occupants of 125 that a flat roof could be used as a balcony, and potentially allow overlooking of their property, but that could be resolved through the imposition of an appropriate condition to prevent any use of the proposed roof.
11. Having regard to the plans as submitted, I find that the proposed extensions, would not have a significant harmful effect on the living conditions of neighbours at 125 Sinclair Road in respect of received sunlight, daylight and outlook. The proposal would therefore fail to conflict with Waltham Forest Local Plan policies DM4 and DM29 which seek to maintain the amenity of neighbouring occupiers.

Other Matters

12. The appellant has referred to large rear dormers and extensions elsewhere at Sinclair Road, granted permission by the Council, and examples at Pevensey Road, Millais Road, and Barclay Road. Reference is also made to the prevalence of 'L'-shaped dormers within the wider urban area of London. Nevertheless, I have determined this appeal based upon the particular site circumstances of

the appeal building, having regard to relevant development plan policies and the Council's supplementary planning document.

13. The appellant has advised, as mentioned above, that the existing rear dormer in the main roof was constructed under permitted development rights; and although no Certificate of Lawfulness was applied for, the appellant contends that the fact that the Council has assessed the dormer, and has not subsequently taken enforcement action, is proof that they do not consider it to breach permitted development allowances for the dwellinghouse.
14. Despite this, the Council indicates, that from satellite images, the dormer was not constructed in 2022, therefore has not been in place for more than 4 years. According to the Council, it would therefore not be immune from enforcement, or eligible for permitted development rights. There is no evidence before me to confirm that the Council accepts that the dormer constitutes permitted development. The proposed second floor extension would be attached to the dormer and therefore would not be a separable part of the development.

Conclusion

15. I have found above that, although the proposed development would cause no significant harm to the residential amenity of neighbours, the proposed second floor extension would harm the character and appearance of the building and surrounding area. I have taken all other matters raised into account. However, for the reasons given above, I conclude that on balance the appeal should be dismissed.

Martin H Seddon

INSPECTOR