



Appeal Decisions

Site visit made on 27 February 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2024

Appeal A Ref: APP/U5930/W/23/3327847

73 Westbury Road, Waltham Forest, Walthamstow E17 6RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Dad against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 223426.
 - The development proposed is single storey first floor side extension.
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Appeal B Ref: APP/U5930/W/23/3329150

73 Westbury Road, Waltham Forest, Walthamstow E17 6RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Dad against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 320510.
- The development proposed is single storey first floor side extension.
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Appeal A: Decision

1. Appeal A is dismissed.

Appeal B: Decision

2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ in the detail of their design. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The Waltham Forest Local Plan Part 1 – Shaping the Borough 2020-2035 (LP1) was adopted by the Council on 29 February 2024 and replaces, in whole, the Waltham Forest Local Plan Core Strategy, adopted 2012 (CS) and the London Borough of Waltham Forest Local Plan Development Management Policies, adopted 2013 (DMP). This appeal was received before the adoption of LP1 and as such LP1, at that time was emerging policy and Policies from the CS and DMP were referred to in the decision notice.
5. However, both parties have had an opportunity to comment on the relevant policies within LP1. Therefore, in accordance with the National Planning Policy Framework (the Framework) I have given full weight to LP1 in my decision.
6. A revised National Planning Policy Framework (the Framework) came into force on 19 December 2023 with a further change published on 20 December 2023.

The paragraphs most pertinent to this appeal are unchanged, other than their numbering. Having considered the changes and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

7. The main issues are:

- in Appeals A and B, the effect of the proposed side extension on the character and appearance of the existing property and the surrounding area; and
- in Appeal B only, whether the proposed development would provide appropriate living conditions for the future occupiers of the properties, with regard to internal living space and external amenity space.

Reasons

Character and appearance – Appeal A and B

8. The appeal property is one half of a semi-detached pair of dwellings within a residential area. The site is located on a prominent corner plot and the existing single storey sections to the side of the building are set at the back of the pavement edge. The property has previously been extended and altered to create one house and two flats within the single storey sections to the side and rear.
9. The surrounding area is characterised by a mix of terraced and semi-detached dwellings with pitched roofs, parapets, and two storey outriggers to the rear. Due to the grid formation of the roads, there are other similar corner plots, some of which have single storey side extensions. The property at 98 Erskine Road has a two-storey extension at the side which I saw while at my visit.
10. Both appeals propose an extension above the existing single-storey section to the side of the appeal property. The proposed plans indicate that the extension would be 1.79m wide, set in from the side by 1m; would project to be level with the rear elevation of the original building; and would replace the existing end parapet wall with a new end parapet wall.
11. The extension in Appeal A would be set back from the front elevation by 0.5m and would have windows in the side and rear elevations. The extension in Appeal B would be set back 1m from the front elevation and would have windows in the front and rear elevations.
12. Chapter 5 of the Waltham Forest Residential Extensions and Alterations Supplementary Planning Document, adopted February 2010 (SPD), advises that planning applications for residential extensions or alterations would need to consider the effect of the proposal on the appearance of the existing house, neighbouring properties, and the street as a whole. The SPD also seeks to ensure high quality design which relates to the original building. Extensions should be subordinate, retain parapets, have windows and doors that reflect the original, and be built of matching materials.
13. Section 5.5.2 of the SPD provides detailed advice for side extension proposals. The SPD advises that such extensions should be sympathetically designed, that the scale is to be carefully considered, and requires side extensions to not have

- an adverse effect on the street scene. Moreover, the SPD advises that side extensions should generally be subordinate to the original house.
14. Both appeals propose a step in from the side boundary, and a set back from the front elevation. However, even with the increased step down in Appeal B, the step down from the ridge would not be perceptible.
 15. Although the step back from the front elevation complies with the guidance in 5.5.2 of the SPD, the bulk and massing of the extension in both appeals, albeit less than half the width of the original dwelling, would be disproportionate to the original dwelling, even with the 1m step back. The removal of the end parapet, which is resisted in the SPD, and the construction of a new end parapet wall would also result in the extension being read as part of the original dwelling, rather than as a subordinate addition.
 16. Given the prominent corner position of the property the extension would be prominent on the street scene, as acknowledged in the SPD. The front window in Appeal B would reflect the design of the front elevation of the host dwelling. However, the lack of windows in the gable end would exacerbate the bulk and massing of the extension. That the property is not within a conservation area, nor a listed building does not reduce its prominence in the street scene and the extension would not appear subordinate, unlike the examples given as appropriate in the SPD.
 17. The size, insufficient step down, and the removal of the original end parapet would increase the prominence of the extension and its overall bulk and massing. The extensions, in both appeals, would not be modest in scale as asserted by the appellant, neither would it be subordinate to the original dwelling. The extensions, in both appeals, although not closing a characteristic gap would be prominent and harmful to the street scene and the character of the area. Moreover, the proposal in both appeals would unbalance the pair of semi-detached houses to the detriment of the character of the street scene and would not be good design as required by the Framework.
 18. I acknowledge the extension built at 98 Erskine Road (No. 98), which is also a corner plot and an extension over a single storey section. However, from the evidence before me, and my own observations during my visit, the extension at No. 98 is narrower and not as deep as the appeal proposal and has retained the original end parapet wall between the original dwelling and the extension. The approved plans for No. 98 also show a visibly lower eaves and ridge height due to the lack of a parapet wall on the extension. Although the extension has been built with a parapet wall this is lower than the original parapet walls and, therefore, respects the character and scale of the original dwelling. The extension at No. 98 is, therefore, subservient and proportionate to the original dwelling and is materially different to either of the appeals before me. As such the extension at No. 98 does not set a precedent for either of the appeal proposals.
 19. For these reasons, I find that the extensions proposed, in both Appeal A and Appeal B, would adversely affect the character and appearance of the existing property and the surrounding area. Both Appeal A and Appeal B, therefore, fail to comply with the requirements of Policy 53 of LP1 which, amongst other matters, seeks to ensure that development reinforces and/ or enhances local character, responds to its context in terms of scale, height, and massing, while

maximising the versatility and adaptability of buildings to accommodate present and future requirements.

20. For the same reasons the proposal would not comply with the guidance set out in the SPD and would not accord with the general aims for good design and high-quality places as set out in the Framework.
21. Although listed on the decision notice for Appeal A, I do not consider that Policy D1 of the LonP is relevant to the proposal because it relates to the need for Councils to define the area's character, understand its capacity for growth, and plan for that growth. There is no guidance within Policy D1 for the consideration of applications for development.

Living conditions of future occupiers – Appeal B

22. Notwithstanding the objections received, both main parties agree that the proposal would not result in adverse living conditions for the occupiers of surrounding properties, including the attached neighbour. Having assessed the proposal, I find no reason to disagree with the Council on this point.
23. The proposal would provide an additional bedroom and, although it would not reduce the size of the garden, it would increase the size of the dwelling. Even if I were to accept the appellant's figure, the rear garden area would not meet the minimum garden area required for a four-bedroom dwelling. However, I also saw at my visit that the area identified as garden on the plans includes structures connecting the house to the garage and was in use for parking a vehicle. The proposal would, therefore, not be considered as external amenity space under Policy 56, subsection C.(v) of LP1.
24. Furthermore, the area is overlooked by the flat at 73B and would not be private space, even if it was provided as external amenity space. Given the use as a parking space and the overlooking of the area, this space would not provide any private external amenity area for the dwelling.
25. Walthamstow Town Square Gardens is within a 5-minute walk from the property. However, the town square is a public space and thoroughfare between the town centre and the public transport hub. The town square provides some seating and greenery but would not compensate for the lack of garden area for a family dwelling. The lack of private outdoor space for the extended dwelling would be harmful to the living conditions of the future occupants of the property.
26. With regard to internal living space, the two bedrooms both meet the minimum floor areas required by the DCLG Technical Housing Standards – Nationally Described Space Standard, March 2015 (NDSS). The proposal is to provide two single bedrooms and they both exceed 7.5 square metres and have a width of over 2.15 metres.
27. The floor area for bedroom 4 of Appeal B, would include a narrow section at the front which would result in an unusual shape. However, bedroom 4 would exceed the minimum floor space required and I have no substantive evidence that this unusual space in the room could not be used as habitable space, or for furniture.
28. Consequently, although bedroom 4 would have an unusual shape the internal living space would be acceptable and would not be harmful to the living

conditions of the future occupants of the property. However, the lack of harm in this regard would not overcome the harm I have identified from the lack of outdoor amenity space.

29. For the above reasons, although the proposal would not result in unacceptable internal living space, the lack of private external amenity space would result in inappropriate living conditions for the future occupiers of the property, with regard to external amenity space. The proposal would fail to comply with the requirements of Policies 56 and 57 of LP1 which, taken together, seek to ensure development respects the living conditions of existing and future occupiers and excludes the inclusion of areas used for parking from the measurement of external amenity space.

Conclusion

30. For the reasons given above, I conclude that Appeal A should be dismissed.

31. For the reasons given above, I conclude that Appeal B should be dismissed.

K Townsend

INSPECTOR