



Appeal Decision

Site visit made on 4 August 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/U5930/D/24/3345446
22 Balliol Avenue, Chingford E4 6LX

- 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 Bethany Ruffle against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 240403.
 - The development proposed is for a single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 22 Balliol Avenue, Chingford E4 6LX in accordance with the terms of the application reference 240403 and subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plan:

Drawing No. 2356BR_HH: SH1 A (Feb.2024)

3) The materials to be used in the construction of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No. 20 Balliol Avenue particularly in relation to loss of outlook, light, creation of overshadowing and a sense of enclosure.

Reasons

3. The appeal property is a mid-terrace dwelling within a residential area. There is an existing single storey rear extension that would be demolished and replaced by the appeal proposal. The proposed extension is of good design and would be subservient to the host dwelling.
4. The Council's Residential Extensions and Alterations Supplementary Planning document (2010) (SPD) seeks to minimise harm to the amenity of neighbours.

It recommends that single storey rear extensions are kept as low as possible, should generally be at a depth of 3 metres and should not exceed a line taken at 45 degrees from the edge of the nearest habitable ground floor window.

5. The depth of the appeal proposal would be approximately 3.3 metres and would only exceed the 45-degree code in plan. As such it substantially accords with the recommended guidance. The height of the proposal would be approximately 3.1 metres at the boundary with No. 20. Although there would be some increase to the level of overshadowing to the external amenity area at No. 20 for a portion of the day, I find this would be likely to be minimal due to the orientation of the dwellings and the west facing gardens.
6. The appeal proposal would introduce a brick wall elevation of approximately 3.1 metres in height for a depth of approximately 3.3 metres close to the boundary with No. 20. Having regard to the 45-degree code and the depth of the garden areas, I do not find that this would result in an undue sense of enclosure or an overbearing impact on the occupiers of No. 20.
7. Overall, I find that the proposal would not be harmful to the living conditions of the occupiers of No. 20 Balliol Avenue.
8. Accordingly, I find that the proposal complies with policy 57 of the Waltham Forest Local Plan Part One – Shaping the Borough 2020-2035 (2024) (WFLP) and the National Planning Policy Framework (the Framework), all of which seek high quality design that create places that promote health and well-being, with a high standard of amenity for future and existing users.

Conditions

9. It is necessary to impose a condition requiring matching materials in the interest of good design and a condition specifying the plans in the interests of certainty

Conclusion

10. Having taken into account all representations made, for the reasons given above, I conclude that the proposal complies with the development plan as a whole and with the provisions of the Framework. The appeal should be allowed and planning permission granted subject to conditions.

A Hartley

INSPECTOR