



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/24/3343475

17 Normanton Park, Chingford, London E4 6HE

- 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 Perlat against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 232362.
 - The development proposed is for a two-part double-storey side/rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a two-part double-storey side/rear extension at 17 Normanton Park, Chingford, London E4 6HE in accordance with the terms of the application reference 232362 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 plans:

PL01 Rev B (February 2024); PL02 Rev B (February 2024); PL03 Rev B (February 2024); PL04 Rev B (February 2024); PL05 Rev B (February 2024); PL06 Rev B (February 2024); PL07 Rev B (February 2024); PL08 Rev B (February 2024); Fire Safety Strategy (no date)

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

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area, (ii) the living conditions of the occupiers of No. 15 Normanton Park particularly in relation to creating an overbearing sense of enclosure and overshadowing of the private rear amenity space and (iii) future development of No. 15 Normanton Park.

Reasons

Character and Appearance

3. The appeal property is a two-storey terraced dwellinghouse at the end of a terrace of four properties. The area is of residential character comprising terraced and semi-detached dwellings. At the other end of the terrace of four properties, the end terraced dwelling, No. 23 Normanton Park, has a two-storey side extension similar in design to the appeal proposal. The street scene features gaps between groups of terraced properties and pairs of semi-detached properties, to maintain the distinction in their building design and to avoid an overbearing terraced effect along the street frontage being created.
4. The appeal proposal would introduce a two-storey side and rear extension of good design that would be subservient to the host dwelling. It would also contribute positively to the street scene in that it would create a symmetry to the group of four terraced properties having regard to the extension to No. 23.
5. The appeal proposal would extend up to the common boundary with No. 15 Normanton Park, which is a semi-detached dwelling. There is an existing single storey structure to the side of No. 15 and a small gap between it and the side common boundary. At first floor level a gap would remain between the terraced appeal property and No. 15, which would provide sufficient distinction between the semi-detached dwellings and the terraced group to maintain this recognised feature within the street scene.
6. On this issue I find that the proposal would make a positive contribution to the character and appearance of the area by enhancing the symmetry of the group of terraced dwellings and maintaining a gap between the terraced group and the semi-detached dwelling (No. 15) at first floor level.
7. Accordingly, I find that the proposal complies with policy 53 of the Waltham Forest Local Plan Part One – Shaping the Borough 2020-2035 (2024) (WFLP), Policies D1 and D4 of the London Plan (2021) (LP) and the National Planning Policy Framework (the Framework), all of which seek high quality design appropriate to its context

Living Conditions

8. The appeal proposal would not give rise to overlooking or have any adverse impact on the living conditions within the property at No. 15. The proposal would increase the amount of shadow cast over some of the external amenity space at the rear of No. 15 and would change the degree of sense of enclosure experienced in the rear garden. However, having regard to the existing level of shadowing and the extent of external amenity space at No.15, I find that any increase in overshadowing or enclosure would be minimal and would not have an unacceptable impact on the living conditions of the occupiers.
9. Accordingly, I find that the proposal complies with policy 57 of the WFLP, Policy D4 of the LP and the Framework, in achieving good design with a high standard of amenity for existing and future users.

Future Development of No. 15 Normanton Park

10. My attention has been drawn to the fact that as the proposal abuts the boundary any future extension to No. 15 at first floor level would close the gap between the terrace and the semi-detached property. A strategic level policy concerning Management of Growth - Policy 5 of the WFLP is referenced as seeking to resist development that would prejudice the development of adjoining sites. I am not aware of any current proposal or extant planning permission for a side extension at No. 15 and do not find that granting permission for this proposal would conflict with the strategic aims of Policy 5. Any future proposal to extend No. 15 would be assessed on its own merits at that time.

Other Matters

11. An Interested Party has raised concern about the proximity of the side elevation to the boundary in relation to a Party Wall Agreement. These are private law matters between the landowners and are outside the scope of the planning issues in this appeal.

Conditions

12. 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

13. 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. Therefore, the appeal should be allowed.

A Hartley

INSPECTOR