

Appeal Decision

Site visit made on 3 September 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 18 September 2024

Appeal Ref: APP/U5930/D/24/3345237

13 Thorpe Road, Walthamstow, Waltham Forest E17 4LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Qaiser Hussain against the decision of Waltham Forest London Borough Council.
 - The application Ref is 240858.
 - The development proposed is a single storey rear extension with a depth of 6.00m, a maximum height of 4.00m and a maximum eaves height of 3.00m.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, [Part 1, Class A] of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. In this case, the application sought prior approval for the construction of a single storey rear extension measuring 6 metres from the original rear wall of the appeal property. The maximum height of the extension would be 4 metres, with the eaves being no higher than 3 metres. Therefore, the proposed development complies with the limitations and requirements of the GPDO.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) of Part 1, paragraph A.4(7) requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
5. Following the notification of adjoining occupiers, the Council received one objection. As a result, the Council assessed the proposal in terms of its effect

on the amenity of neighbouring occupiers. It considered that the proposal would have an adverse effect on the living conditions of Nos 11 and 15 Thorpe Road by reason of it creating a visually overbearing impact and leading to an unacceptable loss of outlook and light.

Main Issue

6. Therefore, I consider that the main issue is the impact of the proposed development on the living conditions of adjoining occupiers with particular regard to outlook and light.

Reasons

7. The appeal site is a two-storey, end of terrace property. It is within a residential area of two-storey houses in varying designs. The rear garden is surrounded by brick boundary walls, topped with horizontal wooden fencing. The dwelling has an existing dormer extension on the rear roof slope and a single storey, pitched roof extension which extends across the full width of the dwelling.
8. The site is attached to No 11 Thorpe Road. This has a small conservatory at the rear which is offset by some distance from the boundary with No 13. On the other side, it is separated by a side passage from No 15 Thorpe Road. This has a rear, pitched roof conservatory extension.
9. Whilst the Council's officer report considers that the proposed extension would harm the amenity of the occupiers of both Nos 11 and 15, I note that it has not referred to any development plan policies within their report or in the reasons for refusal.
10. The proposed single storey extension would measure 6 metres from the rear wall of the original dwelling. As with the existing projection, it would extend across the full width of the house so that one of the side elevations would align with the boundary with No 11. The proposal would, therefore, be visible to the occupiers of this house from rear windows and their garden. However, whilst the Council refers to the gardens of these houses being short, the proposed plan shows that the depth of the rear garden of No 13, would be 7.199 metres in depth if the proposed 6-metre extension was constructed. Thus, it would retain a sizeable part of the garden, which, as a result, would maintain a reasonable outlook for the occupiers of No 11 at the rear. Moreover, as the proposal would not exceed an eaves height of 3 metres, or an overall height of 4 metres, it would not have a significant overbearing effect or have any material adverse effect on the outlook of the occupiers of No 11 at the rear.
11. As No 11 is located to the south of the proposed development, the sunlight that this property currently receives would be retained. Consequently, because of the position and height of the extension, it would not have a significant detrimental impact on the occupiers of No 11 with regards to both sunlight and daylight.
12. To the north of the appeal site is No 15. Both properties have a passageway at the side that separate the two houses. As a result, the proposed extension would be offset from the boundary and some distance from the side elevation of No 15's conservatory at the rear. I have had regard to the occupier's

concerns that the proposal would lead to a loss of light and affect their amenity and enjoyment of their garden.

13. The conservatory at No 15 projects only a short distance from the rear elevation and is lower in height relative to the existing extension at No 13, and an adjoining one at No 17 Thorpe Road. It does, however, extend across the full width of the house. Consequently, a 6-metre extension on the rear of No 13 would block sunlight from the south, although the conservatory would continue to have an adequate amount of daylight. Furthermore, as a result of the location and depth of the proposal, it would be overbearing and unacceptably restrict the outlook from the conservatory.
14. Therefore, I find that the proposed extension would harm the living conditions of the occupiers of No 15 with regards to loss of sunlight and outlook. However, the living conditions of the occupiers of No 11, for the reasons set out above, would not be harmed.

Other Matters

15. I note the concerns of the adjoining occupier with regards to a joint sewer, the register of title of the property and restrictive covenants. However, these are not relevant to my assessment of the planning merits of the appeal.

Conclusion

16. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR