



Appeal Decision

Site visit made on 1 September 2024

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

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal Ref: APP/U5930/D/24/3345995

11 Grosvenor Rise East, Walthamstow, Waltham Forest E17 9LB

- 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 Hugo Rawlinson against the decision of Waltham Forest London Borough Council.
 - The application Ref is 240172
 - The proposed development is for the construction of a dormer roof extension to main rear roof and roof extension above two storey outrigger, with installation of one roof light to front roof slope.
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Decision

1. The appeal is dismissed

Procedural Issues

2. The appeal proposal is within the Orford Conservation Area (OCA) and therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies which requires special regard to be had to preserving or enhancing the character or appearance of the conservation area.
3. An Article 4 Direction applies to the appeal site and removes permitted development rights.

Main Issue

4. The effect of the proposal on the character or appearance of (i) the host dwelling and (ii) the OCA.

Reasons

Character and Appearance – Host Dwelling

5. The appeal property is a traditional mid-terrace two storey dwelling within a narrow, elongated plot. It is of yellow face brick inset with white timber framed windows under a slate tiled roof. There is a consistent roof height along the terrace of properties. There is a single storey outbuilding in the rear garden and a small frontage garden is enclosed by a low picket fence and gate.

6. This appeal proposal would introduce a rear dormer that would extend in depth above the existing two storey outrigger and is only marginally set down from the roof ridge height. The depth and bulk of the proposed dormer would exceed the size of the rear roof dormer at the adjoining terrace (No.9) and would not appear subordinate to the host dwelling. It would be a bulky and incongruous addition that would relate poorly to the traditional style and proportions of the host dwelling. As a result, it would cause harm to its character and appearance.
7. My attention has been drawn to a previous appeal that was dismissed. Notwithstanding the changes made to that proposal, I find that that the appeal proposal still causes harm for the reasons set out above. My attention has also been drawn to a planning permission for a "smaller conventional dormer". I have no reason to doubt that this would be a genuine fall back position. The appeal proposal, however, due to its minimal set back and increased depth and bulk would be more harmful than the fall back position.
8. Consequently, I find that the proposal conflicts with Policy 53 of the Waltham Forest Local Plan – Part One (2024) (WFLP) and paragraph 135 of the National Planning Policy Framework (the Framework) which both seek high quality design appropriate in its context.

Character and Appearance – Conservation Area

9. I find that the significance of the OCA as a designated heritage asset is derived from the historic buildings within it, particularly the well-preserved residential villas and terraces that date from the Victorian period. The appeal property is such a historic terrace building within its group.
10. The existing unified roof line of the group of terraced dwellings within which the appeal property is situated appears original and contributes positively to the character of the area. The proposal would not increase the ridge height when viewed within the street scene.
11. However, the proposed rear dormer, by virtue of its extensive flat roof, depth, scale and massing would appear overly dominant and incongruous when viewed from the surrounding properties. It would therefore fail to preserve or enhance the character or appearance of the OCA as it fails to respond positively to the scale and design of the existing historic terraced dwellings within the group.
12. Overall, I find that the appeal proposal would cause less than substantial harm to the character or appearance of the OCA.
13. Having regard to paragraph 208 of the Framework, from the evidence before me I find that there would be no public benefit that justifies the identified harm. I therefore conclude that the appeal proposal would cause unjustified harm to the designated heritage asset.
14. In exercising my statutory duty, I have had special regard to preserving or enhancing the character or appearance of the OCA, and I have attached great weight to the identified harm.

15. Accordingly, I find that the proposal conflicts with Policy 72 of the WFLP and the Framework in that it harms the character or appearance of the OCA and there is no clear and convincing justification for that harm.

Conclusion

16. Having taken into account all representations made, for the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and with the provisions of the Framework in relation to designated heritage assets. There are no material considerations that would justify a decision other than one in accordance with the development plan. The appeal should be dismissed.

A Hartley

INSPECTOR