



Appeal Decision

Site visit made on 9 October 2024

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2024

Appeal Ref: APP/U5930/W/24/3343196

1 Lyttelton Road, London E10 5NQ

- 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 David Andrew against the decision of The London Borough of Waltham Forest Council.
 - The application Ref is 240074.
 - The development proposed is a rear dormer loft extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the appeal dwelling and that of the terrace of which it forms part; and
 - The living conditions of occupiers of neighbouring residential property.

Reasons

Character and Appearance

3. The appeal dwelling is a two storey terraced house. It appears to be approximately twice the width of the other houses in the terrace of which it forms part, and sits between these and Minus One House, a block of flats to which it is adjoined on the other side.
4. The proposal is for a full width rear dormer extension, that the submitted plans show as having a mildly sloping roof that would reach to the existing roof ridge and rear eaves. The proposal follows the dismissal of an appeal¹ for a loft conversion with rear roof terrace. The Inspector in that instance found that the previous proposal would not result in any significant harm to the character and appearance of the appeal dwelling or the local area. The appeal proposal does however differ considerably in design, bulk and massing to the previous proposal, particularly in the omission of a roof terrace and I have considered the appeal proposal on its own merits accordingly.

¹ APP/U5930/W/22/3313347

5. The proposal would be considerably bulkier than the previous proposal with a roof terrace that was dismissed at appeal. It would not protrude above the existing roof ridge and given the scale and height of the adjacent Minus One House and the existence of other dormer extensions in the terrace in varied materials, I do not find that the proposal would appear as a bulky and insubordinate addition with an awkward roof design. Further, given the limited views of the rear of the appeal dwelling and its position next to the significantly greater height and scale of Minus One House, I find that the proposal would appear as a secondary and subordinate addition to the appeal dwelling and the terrace of which it forms part, reflecting the varied character of the roofscape of the area.
6. Although I find that the proposal would not result in any significant harm to the character and appearance of the appeal dwelling and the terrace of which it forms part, lack of harm in this regard is a neutral factor in my considerations in this instance.

Living Conditions

7. The windows of the proposal have a linear arrangement and be in the same vertical plane as the existing main rear elevation of the appeal dwelling. Although the grouping of the proposed windows is greater on that side of the proposed dormer roof from Minus One House, given their extent and forward position, these would all provide for extensive views out across the rear of the appeal property and towards Minus One House.
8. From my site visit and photographs provided as part of the appellants statement, it is evident that these extensive views would provide significant downward overlooking of the dwelling on the first floor on the side of Minus One House adjacent to the appeal dwelling. This overlooking would provide for immediate views onto the balcony of this neighbouring dwelling, and of windows to living spaces. I find that given the downward angle and proximity of these views over the balcony of the first floor flat at Minus One House, the privacy screening provided on the balcony would offer little effectiveness in screening these views.
9. Given the proximity to Minus One House and raised vantage point afforded by the proposal, the windows of the proposal would allow for a degree of overlooking that would be intrusive, leading to a significant loss of privacy to the occupiers of the adjacent dwelling on the first floor of Minus One House.
10. The additional bulk and massing of the of the proposal would result in the rear of the dormer extension aligning with existing main rear elevation of the appeal dwelling. This would result in the proposal being in close proximity to the balcony and windows of the adjacent first floor dwelling at Minus One House, intruding into existing views of the sky. This would have the effect of increasing the sense of enclosure to this dwelling, to the extent that it would appear as overbearing and lead to a significant loss of outlook, which would be experienced as oppressive by the occupiers of this neighbouring dwelling.
11. The appellant has suggested that a condition could be attached to an approval of this appeal that would require the window of the proposal closest to Minus One House to be in obscured glazing. In accordance with Paragraph 55 of the National Planning Policy Framework (2023) (the Framework), I have therefore

considered whether an otherwise unacceptable development could be made acceptable through the use of conditions.

12. However, I find that it would not only be the proposed window nearest to Minus One House that would result in overlooking to the extent that there would be a significant loss of privacy, but that all of the proposed windows would provide such intrusive views. Given that such a proposal would also not overcome the loss of outlook that I have identified, such a condition would not meet the 'six tests' for conditions set out in Paragraph 56 of the Framework and Planning Practice Guidance. I do not therefore consider that a condition requiring the obscured glazing of a window as proposed by the appellant could be attached to a permission to make the proposal acceptable.

Other Matters

13. Other parties have raised concerns with regard to loss of light to the adjacent first floor dwelling at Minus One House. Given the orientation and existing height of the appeal dwelling and the positioning of the proposal at right angles to this neighbouring dwelling, I do not find that the proposal would result in a loss of light, either to sunlight or daylight, that would cause any significant harm to the living conditions of neighbouring residential occupiers. Lack of harm in this regard is also a neutral factor in my considerations in this instance.
14. For the reasons given above, I find that the proposal would, on balance, result in substantial harm to the living conditions of neighbouring residential occupiers. As such, the proposal, when considered as a whole would be contrary to Policy 57 of the Waltham Forest Local Plan Part 1- Shaping the Borough 2020-2035 (2024). This seeks to ensure that development respects the amenity of neighbouring occupiers.
15. Whilst the proposed extension would provide additional living space, which would benefit future occupiers, this is not a substantial public benefit. In general, planning decisions should be made in the wider public interest. In this context, the harm I have identified outweighs these benefits.

Conclusion

16. For the reasons given above and with regard to all other matters raised, the appeal is dismissed.

Victor Callister

INSPECTOR