



Appeal Decision

Site visit made on 20 December 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2025

Appeal Ref: APP/U5930/D/24/3352019

39 Long Deacon Road, Chingford E4 6EG

- 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 John Kyriacou against the decision of the Council of the London Borough of Waltham Forest.
 - The application reference is 241272.
 - The development proposed is the erection of a single rear extension with parapet roof and 2 skylights.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single rear extension with parapet roof and 2 skylights at 39 Long Deacon Road, Chingford E4 6EG in accordance with the terms of the application, Ref 241272, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. The height of the new extension is greater on the proposed section drawing than shown on the proposed elevations because the upward projection of the roof lights differs between these plans. Aside from this discrepancy, the drawings appear to be broadly consistent and are sufficiently clear to understand the proposal, including its scale and massing. On that basis, I consider that the information provided is sufficient and adequate to determine the appeal.
3. On 12 December 2024, a revised National Planning Policy Framework (the Framework 2024) was published. The Framework 2024 does not raise any new matters that are determinative to the outcome of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of 37 Long Deacon Road with particular regard to outlook, visual impact and sense of enclosure.

Reasons

5. The proposal is to enlarge the appeal property, which is a semi-detached house within a predominantly residential area, with a single storey rear extension. Two existing ground floor rear projections would be demolished and removed to make way for the new addition.

6. The Council has recently confirmed that prior approval is not required for a single storey rear extension at No 39 of the same depth, but lower in height than the proposal. On that basis, a sizeable rear extension in a similar position to the development before me could come forward in any event. The prior approval scheme is a realistic alternative against which to evaluate the proposal.
7. The new flank wall would be close to the shared rear boundary with No 37 with the upper section projecting well above the fence that separates the back garden of this attached property and the site. As a result, the external patio of No 37 would be partly enclosed and the new development would be evident from both here and its rear windows. Although taller than the prior approval scheme, the proposal would still be modest in height. As a result, it would keep a reasonably low profile when seen from the rear of No 37. Furthermore, there is already a lengthy wall alongside the common boundary with No 37 that is nearest to its patio and rear windows, which forms part of the existing rear projection to be replaced.
8. Given these circumstances and having viewed the rear of No 37 from the site, on balance, I consider that the presence of the new built form would not be so great as overbear, dominate outlook or unduly heighten a sense of enclosure as it would be experienced by the occupiers of No 37. On that basis, the living conditions of the occupiers of this adjacent property would not be materially harmed. As such, the proposal does not conflict with Policy 57 of Waltham Forest Local Plan Part 1. This policy states that new development should respect the amenity of existing and future occupiers, neighbours and the surrounding area.
9. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. For consistency, the proposed section drawing is not included in the list of approved drawings as it is an anomaly. Consequently, no approval is given for the roof lights as shown on this particular drawing. To ensure the satisfactory appearance of the completed development, a condition is imposed to require that the external materials match those of the existing building.

Conclusion

10. Overall, there are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of 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: ELA/1 Rev A, ELA/2 Rev A, ELA/3 Rev A, ELA/6 Rev A, ELA/13 Rev A, ELA/14 Rev A and ELA/17 Rev A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.