



Appeal Decision

Site visit made on 7 January 2025

by **C Carpenter BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/U5930/D/24/3347207

18 Cambridge Road, Chingford, London E4 7BP

- 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 Marjan Keqaj against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 232816.
 - The development proposed is the construction of a first-floor rear extension and the retrospective alteration to the previously permitted rear extension under Prior Approval.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024. However, insofar as the contents are relevant to this appeal, the Framework has not changed. Therefore, I am satisfied no party would be disadvantaged by not having the opportunity to comment on the revised Framework.

Background and Main Issues

3. The appeal premises has consent for a single storey ground floor rear extension to a depth of 4 metres beyond the rear wall of the dwelling¹. A single storey rear extension has been built, which exceeds both the permitted depth and height. I understand this development is the subject of a live enforcement case.
4. The development proposed in this appeal has two elements: (a) alteration of the existing ground floor rear extension to a depth of 4.6 metres without overhang, and with side parapet walls to a height of 3.7 metres; and (b) construction of a first-floor rear extension above the existing ground floor extension.
5. The main issues are the effect of the proposal on:
 - the character and appearance of the host dwelling and surrounding area; and
 - the living conditions of neighbouring occupiers, with particular reference to outlook and light.

¹ Application Ref 211936 – decision date 2 August 2021

Reasons

Character and appearance

6. The appeal premises is a two-storey house and garden of relatively modest proportions. It is part of a short terrace, of which there are several in the neighbourhood. The largely consistent design and regular layout of these terraces contributes to the suburban character of the area. Several houses in Cambridge Road and surrounding streets have rear dormer extensions and/or modest single storey ground floor rear extensions. These extensions are generally of similar proportions, which helps sustain the regularity of the area's character.
7. The rear of the houses on Cambridge Road is easily visible from the perpendicular side streets and from the backs of the houses on the other side of the block. As No 18 is close to the junction with Shaftesbury Road, its rear is particularly prominent from that street, with little screening from vegetation.
8. On the evidence before me, including my observations on site, the proposed ground floor extension, once altered, would be deeper than most other ground floor extensions in the neighbourhood, including the conservatory at No 16. In combination with the length of the structure, the height of the proposed extension's parapet walls would add substantially to the perception of bulk and mass. As noted above, this would be highly visible in the context of the terraced dwellings. Therefore, even if the proposed changes in dimensions would be relatively small in numerical terms, their effect on the visual impact of the extension would be significant. As a result, the extension would both dominate the appearance of the host dwelling and erode the character of the street.
9. The proposed first floor extension above part of the ground floor extension would be a further dominant addition. It would be out of proportion with the modest scale of the dwelling and undermine the symmetry at its rear elevation. It would also look incongruous in the area, which is not generally characterised by first floor extensions.
10. Use of matching materials would not overcome the harmful scale and form of the proposed development.
11. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the host dwelling and surrounding area. This is contrary to Policy 53 of the Waltham Forest Local Plan Part 1 2024 (LP1), which seeks development proposals that reinforce and/or enhance local character and respond appropriately to their context. It is also contrary to the Framework, which also seeks development that is sympathetic to local character.

Living conditions

12. Given the overall size of the properties in the terrace, the length and height of the ground floor extension in combination with the proposed first floor extension would dominate the outlook for neighbouring occupiers. The overbearing effect on No 16 would be particularly severe because of the proximity of the first-floor extension to the shared boundary, notwithstanding the proposed set-back. No 16's ground floor extension would provide little mitigation given its considerably smaller scale. The detriment to the outlook from No 20 would be less marked because of that

property's wider garden and greater separation from the first-floor extension, but it would nevertheless be harmful.

13. Given the orientation of the terrace, the proposed extensions would somewhat increase overshadowing of No 20's rear garden towards the end of the day. There is no compelling evidence the development would materially worsen light to habitable rooms in either neighbouring house. Overall, I find the effect of the proposal on light for neighbouring occupiers would not be so severe as to be harmful.
14. I accept the window of the first-floor extension would be obscured, so there would be no concern about privacy for neighbours.
15. For the above reasons, I conclude the proposal would have a harmful effect on the living conditions of neighbouring occupiers, with particular reference to outlook. This is contrary to LP1 Policy 57, which requires new development to respect the amenity of neighbours by avoiding harmful impacts on outlook. This is also contrary to the Framework, which seeks to ensure a high standard of amenity.

Other Matters

16. There is little to substantiate the suggestion that a sewer drainage pipe prevents construction of a 4-metre-long extension. Even if such a pipe is present, there is no compelling evidence it would not be possible to move it. I therefore give this consideration little weight.
17. The appellant has referred to permitted development rights as a potential fall-back position, but I have seen nothing to suggest they would genuinely pursue this option if the appeal failed. Moreover, a rear extension of 6 metres would require the prior approval of the Council, taking account of comments from neighbours. No such approval is before me. As such, this is a matter of negligible weight.
18. I note the appellant's comments about advice received from the planning case officer as part of the determination of the application. I acknowledge the appellant's willingness to accept a condition restricting permitted development rights for change of use of the premises to a house in multiple occupation. I also understand their wishes to provide flexible space and an additional bathroom for their family, and I recognise there would still be adequate external amenity space at No 18. Nevertheless, these matters and personal circumstances do not outweigh or overcome my conclusions on the main issues. I have determined the appeal on its individual planning merits.

Conclusion

19. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR