



Appeal Decision

Site visit made on 11 March 2025

by **A Phillips MPlan, BA, CertHE and MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 April 2025

Appeal Ref: APP/U5930/D/24/3352692

66 Clacton Road, Waltham Forest, Walthamstow E17 8AR

- 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 Ms. Karla Savage against the decision of Waltham Forest London Borough Council.
 - The application Ref is 241234.
 - The development proposed is construction of a single storey rear extension at ground floor level.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a single storey rear extension at ground floor level at 66 Clacton Road, Waltham Forest, Walthamstow E17 8AR in accordance with the terms of the application, Ref 241234, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers: 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 120, 121, 122, 123, 124 and 125 dated 06/06/2024.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing numbers 122 and 125.

Main Issue

2. The main issue the effect of the proposed extension on the living conditions of the occupants of 68 Clacton Road, with particular reference to outlook, loss of light and sunlight.

Reasons

3. Clacton Road is made up of a long run of terrace properties on both sides of the street. The host property's current rear extension extends the same amount rearwards as that is proposed adjacent to 68 Clacton Road, though is set approximately 1.2m away from the common boundary. 68 Clacton Road has two ground floor side facing windows serving a kitchen space in its rear extension and one ground floor rear facing window, likely serving habitable space. It was also noted during my site visit that many of these terrace properties have different sized and styled rear extensions.
4. The proposal by virtue of its location and scale, on the boundary line between 66 and 68 Clacton Road is going to have a significant impact upon the outlook and

specifically morning sunlight that No.68 currently benefits from. However, the fallback position of Schedule 2 Part 1 Class A of the General Permitted Development Order (GPDO) would allow for a materially taller rear extension, though reduced in depth. This permitted development fallback position has a greater than a theoretical possibility given there is no evidence before me to suggest permitted development rights have been removed and there is clear indication that the appellant is seeking to replace their current rear extension. This fallback position is given significant weight, as it is a likely alternative and would cause a similar loss in outlook, daylight and sunlight to the residents of 68 Clacton Road.

5. The appellant refers to the proposal's compliance with Policy DM32. However, no details of this policy have been provided and it did not form a reason for refusal. Therefore, no weight has been given to this policy.
6. Given that the harm is no greater than the likely fallback position there is a substantive material reason to depart from Policy 57 of the London Borough of Waltham Forest Local Plan Part 1 2024 which requires that all new development to avoid harmful impacts on enclosure, loss of outlook and daylight/sunlight.

Conditions

7. A standard condition will be added to ensure that the development is commenced within three years. Regarding materials there is some conflict between the appellant's application form and submitted drawings. The Council had presumed and is seeking matching materials. However, it is considered that the materials shown on the submitted drawings are of good quality that will preserve the character of the area and site; with the use of off white render on the side elevation likely reducing the loss of light to residents of 68 Clacton Road by reflecting light back towards its habitable space and kitchen. On this basis a condition will be added to ensure the materials are those on the submitted drawings.

Conclusion

8. The proposal conflicts with the development plan but given the significant weight that I have assigned to the fallback position for an alternative rear extension, I find this to be a material consideration that outweighs this conflict. For the reasons outlined above, I conclude that the appeal should be allowed.

A Phillips

INSPECTOR