



Appeal Decision

Site visit made on 16 April 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/U5930/D/25/3361399

13 Salters Road, Walthamstow, London E13 3PQ

- 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 Mallender against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref. is 242470.
 - The development proposed is a part single, part two storey rear extension (retrospective).
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Decision

1. The appeal is allowed, and planning permission is granted for a part single, part two storey rear extension in accordance with the terms of the application, Ref. 242470 and the plans submitted with it, subject to the condition that the development shall be carried out in accordance with the following approved plans: Drawing No. Series 5947: Plan Nos. 04; 40; 41; 42 & 43.

Procedural Matter

2. For the reasons explained in the appeal submissions the description of development included a reference to the 'retention' of the ground floor and first floor extensions. However, 'retention' is not development as set out in the relevant planning legislation and I have therefore referred to a retrospective proposal in the heading.

Main Issue

3. The main issue is the effect of the development on the living conditions for the occupiers of No. 11 Salters Road as regards outlook and light.

Reasons

4. The single storey extension in itself is permitted development because it has been established that prior approval was not required. I accept the Council's submissions that because both it and the first floor extension were a single building operation, this benefit of not requiring prior approval falls away. On the other hand, I also acknowledge that the appellant has submitted a cogent fallback scenario in that if measures were taken to now separate the two elements of development by the demolition of the first floor extension, the ground floor extension could then be deemed to be lawful on the basis of the prior approval procedure having been applied and satisfied.
5. This leaves the main issue to be the Council's concern that the first floor extension as already built has an unacceptable amenity impact on the occupiers of No. 11,

the adjoining semi-detached property to the west, albeit only in combination with the ground floor element. However, from my visit to the site and its surroundings, I consider that the first-floor extension, with its modest size and a position set on the other side of the dwelling away from No. 11, is unlikely to have any materially harmful effect on the living conditions for this neighbour.

6. Indeed, in respect of outlook and daylight I can see no basis at all for harm to arise from the effect. And in respect of shadowing, anything more than the likely marginal increase on the effect of the ground floor extension would need to be demonstrated by technical supporting information along the lines of the BRE Daylight and Sunlight Report, albeit I would not expect the Council to provide such evidence in its officer report on a householder application.
7. Clearly there is some adverse effect on outlook and light from the ground floor extension, but the absence of an objection from the occupiers of No. 11 is part and parcel of the prior approval application procedure and as such this effect is deemed acceptable. In fairness I see no good reason in the light of the fallback position to apply a more rigorous assessment, especially given that the northward orientation of the rear elevation reduces the expectation of daylight and sunlight to the garden and living room window.
8. Overall, and having had regard to all other matters raised I find that there would be no unacceptable effect on the living conditions for neighbouring occupiers in harmful conflict with Policy 57 of the Waltham Forest Local Plan Part 1 2024 or with paragraph 135f) of the National Planning Policy Framework December 2024
9. I shall therefore allow the appeal subject to the condition that the development as built is consistent with the submitted and now approved plans. This is for the avoidance of doubt and is in the interests of proper planning.

Martin Andrews

INSPECTOR