



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: 15 May 2025

Appeal Ref: APP/U5930/D/25/3361480

15 Chewton Road, Walthamstow, London E17 7DW

- 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 Anna O'Rourke against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref. is 242695.
 - The development proposed is the construction of a single storey rear extension.
-

Decision

1. The appeal is allowed, and planning permission is granted for the construction of a single storey rear extension in accordance with the terms of the application, Ref. 242695 and the plans submitted with it, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 0.00 (OS based Location and Site Plans); 1.00; 1.01; 1.02; 1.03; 1.04; 2.00; 3.00; 4.00; 4.01;

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for the occupiers of Nos. 13 and 17 Chewton Road, with particular reference to outlook and light.

Reasons

3. The Council's Notice of Refusal refers to the appeal proposal having an overbearing effect on both the adjoining houses in the terrace, at Nos. 13 and 17 respectively.
4. The proposed development is for a flat roofed ground floor extension that would have a depth of just under 4.9m along and adjoining the boundary with No. 13, the end dwelling in the terrace of four. The Officer's report on the application says that there is not an extension to the rear of this property and argues that the 3.15m height of the appeal proposal combined with the length would have an overbearing impact on their outlook.

5. However, there is in fact a substantial extension of full width and 3m depth at the rear of No. 13 and this overlaps with the single storey outbuilding on the boundary with No. 15 to form an existing enclosure to a depth of close to 6m, about a metre further than the appeal scheme. Accordingly, the Council's case for refusal of the application because of the effect on the outlook from No. 13 is based on a false premise and carries no weight.
6. As regards the impact on No. 17, the Council considers that the combination of the proposed extension's height and depth would have the same effect as on No. 13 and refers to 'a tunnel effect' with the loss of outlook resulting in a harmful sense of enclosure. The presence of a brick-built outbuilding on the eastern boundary of No. 17 suggests that there is at least some potential for this effect.
7. However, the extension would step back from the boundary with No. 17 by just under a metre in order to maintain the access to the rear garden from the undercroft passage between the two houses, whilst because of its staggered design the extension projects only 4m from the rear wall at the metre distance from the boundary. I consider that these factors would preclude any unacceptable loss of outlook from the garden of this neighbouring dwelling and a tunnelling effect in terms of the aspect from its rear windows.
8. The Officer's report also refers to a loss of light for both Nos, 13 and 17 but with no supporting analysis. The fact that the rear of the terrace faces northwest indicates that this is unlikely but in the event, the existing extension and outbuilding at No. 13 would rule this out for that dwelling. And as regards No. 17, the appellant's statement has demonstrated that a 45-degree line drawn from the centre of the closest ground floor habitable room window would not intersect the proposed extension.
9. For the above reasons I find that the proposed extension would not cause undue harm to the living conditions for the occupiers of Nos. 13 and 17 Chewton Road in conflict with Policy 57 of the Waltham Forest Local Plan 2024 and paragraph 135f) of the National Planning Policy Framework revised December 2024. I shall therefore allow the appeal.
10. A condition in respect of external materials will ensure the extension has a harmonious appearance with the host dwelling, whilst a condition requiring compliance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning.

Martin Andrews

INSPECTOR