



Appeal Decision

Site visit made on 10 June 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/U5930/W/25/3360575

Flat A 39 Markmanor Avenue, Walthamstow, Waltham Forest E17 8HJ

- 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 R Downer against the decision of Waltham Forest London Borough Council.
 - The application Ref is 242366.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at Flat A, 39 Markmanor Avenue, Walthamstow, Waltham Forest E17 8HJ in accordance with the terms of the application, Ref 242366, 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 the following drawings: Site Plan, Block Plan, 4913/1 A and 4913/10
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building/dwelling.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupants of 37 Markmanor Avenue with regard to outlook, sunlight and daylight.

Reasons

Living Conditions

3. The appeal site is located on a residential street, which is made up of mostly two storey terraces. Several dwellings in the immediate area have single storey extensions on their rear elevation, including 39 Markmanor Avenue (No 39). However, neighbouring property 37 Markmanor Avenue (No 37) has not been extended on the rear elevation.
4. The proposed extension would be single storey, with a flat roof, and would extend out from an existing single storey extension on the rear elevation. It would project from the entire width of the building, up to the boundary with the neighbouring properties on either side; stepping in at the boundary with No 37.

5. Based on the proposed plans the combined depth of both the existing and proposed extension on the boundary with No 37 would be approximately 4m. The rear garden of the appeal property is bound by high timber fencing and mature trees and shrubs. The existing boundary treatment already limits the outlook from neighbouring properties. Considering the orientation and relationship between No 39 and No 37 the proposed extension would not have a significant impact on light, or an enclosing effect on the outlook, of occupiers of this property over what is existing.
6. For the reasons detailed above the proposed development would not have a harmful effect on the living conditions of the occupants of 37 Markmanor Avenue with regard to outlook, sunlight and daylight. The proposal therefore complies with Policy 57 of the Waltham Forest Local Plan Part 1, Shaping the Borough 2020-2035 which requires that new development avoids harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook and daylight/sunlight.

Conditions

7. I have considered the conditions put forward by the Council and the appellant's comments on them. I have included those conditions that meet the tests set out at paragraph 56 of the Framework, with some minor editing of the suggested wording for precision and enforceability.
8. I have attached conditions relating to the time limitations for the commencement of the development, compliance with the approved plans and proposed external materials in the interests of clarity and certainty and to protect the character and appearance of the area. I have also included a condition regarding the use of the flat roof of the development to preserve the living conditions of the occupants of neighbouring properties.

Conclusion

9. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR