



Appeal Decision

Site visit made on 16 October 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/U5930/D/25/3371764

40 Hampton Road, Chingford, Waltham Forest E4 8NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Aneesa Iqbal against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 251554.
 - The development proposed is ground floor rear (larger) extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issue

4. The Council notified the adjoining occupiers of the proposed scheme, and one objection was received from 42 Hampton Road (No 42). As a result, the Council assessed the proposal in terms of its effect on the living conditions of neighbouring occupiers. In doing so, it considered that the scheme would have an adverse effect on the living conditions of the occupiers of 38 Hampton Road (No 38) by reason of a loss of outlook and sunlight. Therefore, I consider that the main issue in this appeal is the impact of the proposal on the living conditions of adjoining occupiers, with particular reference to outlook and sunlight.

Reasons

5. The appeal property is a mid terrace dwelling, to which it is proposed to add a 6m deep single storey rear extension across the full width of the property. The extension would be flat roofed, with a monopitched section sloping down towards No 42.
6. The Council's officer report which considered the appealed application indicates that the existing single storey extension at No 38 lacks any formal planning history, and appears to have been in place for over 4 years. For the avoidance of doubt, it is not my role as an Inspector considering a s78 appeal to determine whether the existing extension at No 38 is lawful. In any event, the Council has taken the existing situation into account, and therefore so shall I.
7. The proposal would be deeper than No 38's extension but would be angled away from it owing to the shape of the rear gardens. No 38's rear elevation contains a kitchen window and patio doors serving a living area. As the patio doors are on the far side in relation to the proposed extensions, the outlook from the living area, and the levels of sunlight reaching it, would not be diminished by the proposal.
8. The rear elevation of No 42 includes patio doors serving a ground floor living area, and therefore this glazing plays an important role in the health and well-being of its occupiers. Due to the siting, depth and height of the proposed extension in proximity to this glazing, it would appear prominently above an existing shed along the shared boundary, despite the reduced height at its nearest elevation. Due to the orientation of the respective built forms, and in the absence of any substantive evidence to demonstrate otherwise, levels of sunlight reaching the living area would be significantly reduced. Consequently, the proposal would unacceptably diminish the outlook from that space and levels of sunlight reaching that space.
9. My attention has been drawn to an extant approval for a rear extension at the host property¹, which has a realistic prospect of being implemented and to which I accord significant weight. The proposal would have the same relationship with No 38 as the extant permission. In relation to No 42, however, the proposal would be positioned next to the boundary for its full depth, whereas in the extant approval the rearmost section would be set back from the boundary. Although the roof of the proposal would slope down towards the boundary, in contrast with the extant approval, it would nonetheless be visible above the boundary fence for its full depth. As a consequence, the proposal would have a greater impact on the living conditions of No 42 than the extant approval.
10. I have been referred to two appeals where 6m deep extensions were allowed. In the appeal at Kitchener Road², the host property was a mid terrace house with an existing 3m deep rear extension. The house on one side had been extended at the rear, and the Inspector concluded that the limited extent of the proposal beyond this extension did not materially impact on the property's outlook. The other adjoining property had not been extended. However, the full details of the internal arrangement of that property are not before me, and the orientation of the two properties is not the same as in the proposal. The appeal at Sinclair Road³ concerned a detached property whose proposed 6m rear extension would have

¹ LPA reference 251055

² PINS reference APP/U5930/D/17/3181785

³ PINS reference APP/U5930/D/23/3315883

been offset from its side boundaries. Consequently, the two examples are not directly comparable and therefore attract very limited weight in my deliberations.

11. The appellant has referred me to Policy D3 of the London Plan March 2021 and Policy 57 of the Waltham Forest Local Plan Part 1 Adopted 2024, which together require new development to respect the amenity of existing occupiers by avoiding harmful impacts from the loss of outlook and sunlight. I have had regard to these policies only insofar as they are material to the impact upon amenity of adjoining premises. For the reasons I have set out, the proposal would be in conflict with these policies.
12. The National Planning Policy Framework (the Framework) encourages local planning authorities to approach decisions in a positive and creative way, to make effective use of under-utilised land and to make optimal use of the potential of each site. However, such considerations do not outweigh the harm I have identified, and moreover the proposal would conflict with the Framework's requirement that developments provide a high standard of amenity for existing occupiers.
13. The proposal would provide temporary economic benefits during the construction phase. While the proposal would meet the appellant's aspirations for more modern living space, this would largely be a private benefit. However, these benefits would not outweigh the harm that I have found.
14. Drawing all the above together, the proposal would not result in an unacceptable loss of outlook and sunlight to No 38. However, it would do so for No 42. I therefore conclude that the proposal would harm the living conditions of adjoining occupiers at No 42, with particular regard to outlook and sunlight.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

J Heppell

INSPECTOR