

Appeal Decision

Site visit made on 12 September 2016

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/U5930/W/16/3151097

31 Hurst Road, London, E17 3BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Justin Coutts against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 160811, dated 16 March 2016, was refused by notice dated 11 May 2016.
 - The development proposed is demolition of existing two storey side extension and outbuilding. Construction of two storey side extension, single storey rear extensions, and loft conversion with rear dormer window. Conversion of property into two dwelling houses (1 x 3 bed, 1 x 2 bed). Provision of refuse collection area at front.
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Decision

1. The appeal is allowed and planning permission is granted for "demolition of existing two storey side extension and outbuilding. Construction of two storey side extension, single storey rear extensions, and loft conversion with rear dormer window. Conversion of property into two dwelling houses (1 x 3 bed, 1 x 2 bed). Provision of refuse collection area at front", at 31 Hurst Road, London, E17 3BL in accordance with application Ref 160811, dated 16 March 2016, and 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 shall be carried out in accordance with drawing number(s): PL/E-001 Rev C, PL/P-002 Rev B, PL/P-145 Rev A, PL/P-345 Rev A, received 16 March 2016.

Application for costs

2. An application for costs was made by Mr Justin Coutts against the London Borough of Waltham Forest. This application is the subject of a separate Decision.

Main Issues

3. The main issues for the appeal are:
 - The effect of the proposal on the character and appearance of the area;
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- Whether the proposal provides adequate cycle storage;
- Whether the proposal makes adequate provision for street trees.

Reasons

Character and Appearance

4. The appeal property sits in a predominantly residential neighbourhood, with properties in the street varying in age and appearance. It sits at the end of a short terrace of 6 similar properties which step up the hill. These properties have projecting bay windows and decorative detailing to the front porches and the similar appearance of the dwellings contributes much to the attractive appearance of the group. The appeal property has a flat roofed side extension which contrasts markedly with the more decorative style of the adjoining terrace.
5. The proposal comprises the demolition of the side extension and the erection of a two storey side extension, a rear extension and a dormer window to facilitate the provision of an additional dwelling. The Council have expressed concerns that the new dwelling would not be set back from the host property and so would not appear subordinate. However, the design of the dwelling replicates much of the detailing evident on the adjoining terrace, where dwellings follow a continuous building line. The proposal also steps down the hill with the roof form replicating that at Nos 33 and 35.
6. The dwelling would be marginally narrower than others on the terrace, However, I noted on site that despite the terrace having a unified appearance due to common design elements, there was nonetheless some variation in the appearance of individual dwellings due to differences in window style, the use of render and roofing materials. This factor, along with the extent to which the terrace rises up the hill, will reduce the extent to which the width of the new dwelling would be apparent in views into the site.
7. In the limited views available of the rear of the property the form of the rear extension and dormer would not be at odds with existing works on the appeal property and other nearby dwellings. I also take into account the intrusive visual effect of the existing extension, which is to be demolished. This leads me to the view that the proposal would fit comfortably into the mixed streetscene and would not be harmful to the character and appearance of the area.
8. I therefore conclude that the proposals would have not detract from the character and appearance of the area, and would not conflict with the high quality design aims of policies CS15 of the *Waltham Forest Local Plan Core Strategy 2012* (Core Strategy) and policy DM29 of the *London Borough of Waltham Forest Development Management Policies Local Plan* (Local Plan) 2013.

Cycle Storage

9. The parking standards outlined in Appendix 4 of the Local Plan state that in new residential developments a minimum of 2 cycle parking spaces should be provided in dwellings with 2 or more bedrooms. It also states that this should be covered storage, which could be provided in a shed or garage. The proposed dwelling would have an enclosed rear garden with adequate space to

provide a shed or cycle store. Therefore, although such provision is not shown on the submitted plan, I see no reason why this matter could not be adequately provided by way of a suitably worded condition.

10. On the second matter I therefore find that the proposal would not conflict with the aims expressed in policy DM15 of the Local Plan and CS7 of the Core Strategy, which aim to reduce reliance on private motorised transport, or with guidance in the Framework, which has similar aims.

The Effect of the Proposal on Street Trees

11. Policies CS5 of the Core Strategy and DM35 of the Local Plan together seek to amongst other things, improve wildlife habitats in the Borough through the provision of landscaping on or adjacent to new developments. This can include the provision of street trees. Paragraph 36.10 of the Local Plan advises that *"financial contributions can be used for the planting of trees on or off site and consideration of the scale and nature of the development should be given"*. Recent changes to National Planning Practice Guidance in relation to small scale and self-build development also state that tariff style contributions should not be sought from developments of 10 or less dwellings. This is a significant material consideration, to which I must have regard.
12. The proposal relates to a single dwelling, and falls below the threshold identified in the Ministerial Statement. Notwithstanding the above policies, to require that a contribution is made in this case would run contrary to more recently expressed Planning Policy Guidance, intended to reduce the construction cost of small-scale new build housing in order to help increase housing supply.
13. I take into account the contribution street trees can make to the local environment. Nevertheless, in the light of this change to national policy, such a contribution would fail to meet all the tests of paragraph 204 of the Framework in relation to planning obligations and cannot therefore be considered to be appropriate in this case.

Conclusion

14. The proposal would not be harmful to the character and appearance of the area subject to an appropriate condition. It would also provide sufficient cycle parking. For the reasons stated above I also consider that a contribution towards the provision of street trees is not justified in this case. I take into account the concerns of adjoining residents with regard to privacy and overshadowing. However, taking into account the size and relative position of the properties, and the windows within them, I am satisfied that the proposal would not impact upon the living conditions of adjoining occupiers in this way. Neither would the additional property lead to a significant increase in noise and disturbance, or pressure on parking in the area. Finally, the structural stability of the property, the impact upon the provision of services and the impact on the party wall have also been raised as concerns. However, I have been provided with no cogent evidence that these are matters which would preclude the grant of consent in this case.

Conditions

15. I therefore conclude that the appeal be allowed. Other than the standard time condition, and a condition requiring development be carried out in accordance

with the approved plans, I consider it reasonable and necessary to impose a condition requiring matching materials. This is in order to ensure a satisfactory appearance for the development.

16. The Council have suggested a number of additional conditions. As details of acceptable refuse provision are shown on the plans, I do not consider that this matter needs be subject to a condition. In relation to the provision of landscaping, details of the proposed boundaries are also shown on the approved plans and as the proposal relates to a private garden, I do not consider it necessary to require landscaping or restrict the erection of vents or pipes on the building.
17. Finally, the Council have suggested a condition relating to the insertion of windows in the side elevation. This is proposed in order to prevent overlooking and preserve privacy. However, the provisions of the *General Permitted Development Order* Part 1 Class A (A3) are sufficient to ensure that privacy is maintained and therefore the proposed condition is unnecessary.

Anne Jordan

INSPECTOR