

Appeal Decision

Site visit made on 5 October 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 14 October 2016

Appeal Ref: APP/U5930/W/16/3153819

6 Staffa Road, Leyton, Waltham Forest, London E10 7PY

- 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 John Edwards against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 153096, dated 12 October 2015, was refused by notice dated 7 January 2016.
 - The development proposed is the demolition of existing building and the erection of a detached 3 bedroom house with associated parking space and garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. There are two main issues. These are:
 - The effect of the proposed development on the living conditions of the occupiers of Number 12 Wellington Road with specific regard to outlook and privacy and future occupiers of the proposed dwelling with specific regard to the size, shape and location of the proposed garden.
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

3. The proposed dwelling would be located directly on the shared boundary between the appeal site and the garden of Number 12 Wellington Road. It would be two storeys in total height with a shallow mono pitched roof. The building would extend northwest from almost level with the rear elevation of No 12. There is an existing building in the same location which is single storey and on a smaller footprint than the proposed dwelling.
 4. The increase in the height of a building in the proposed location so close to the rear elevation of No 12 would lead to an oppressive effect on both the outlook from its rear windows and the experience of the private garden space immediately to the rear. This overbearing effect would be exacerbated by the elongated blank and featureless wall that would be located on the shared
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boundary. Consequently, there would be harm to the living conditions of the occupiers of No 12.

5. There would be a number of windows serving the living space and bedrooms in the ground and first floors of the proposed dwelling respectively. Whilst in the case of the ground floor these would be large, the location and orientation of the windows relative to the rear elevation and garden of No 12 would be such that there would be no direct line of sight. At best, the windows would have an oblique line of sight towards the side elevation of No 12 and as such the privacy of its occupiers would not be compromised.
6. I note the size and shape of the private garden spaces that would be afforded to the proposed dwelling. Whilst there is some disagreement between the parties as to the exact size, it is clear from the design of the proposed dwelling that both the spaces to the front and rear are intended to function as garden.
7. The smaller of the two spaces to the front of the proposed dwelling would narrow significantly to a point. Whilst I accept that privacy could be improved through the use of appropriate boundary treatment, its shape and siting relative to the public realm would greatly reduce its effective function as usable garden space.
8. In the case of the larger area of proposed garden space, it would be to the rear of the substation building and bounded on two of its sides by other gardens. Whilst it would therefore function as some more private garden space, its size and shape would be constrained. It would also be below what is a **minimum** (emphasis added) requirement for garden space as expressed by Policy DM7 of the Local Plan¹ to an extent that is, in my view, more than marginal. As such, the proposed development would fail to provide sufficient usable garden space and thus cause harm to the living conditions of future occupiers.
9. Therefore, and with regard to this particular issue, the proposed development would be contrary to Policies DM7 and DM32 of the Local Plan. These Policies seek to ensure that, amongst other things and along with one of the core principles of the Framework², new development should provide for adequate usable outdoor space in the interests of securing a good standard of amenity for all existing and future occupants of land and buildings.
10. I note the Council's reference to Policies CS2 and CS15 of the Core Strategy³. However, and having reviewed the aims of these Policies, they are more focussed on achieving appropriate housing choice and mix in the borough and the design of buildings and spaces. I do not therefore consider them directly relevant to the matter of the effect of development on living conditions.

Character and Appearance

11. The appeal site is formed by a triangular parcel of land at the junction of Staffa Road and Wellington Road. It is at the end of a terrace of two storey dwellings which are distinctly uniform in their character and appearance. The terrace forms a back to back layout with similar development to the north. There are three buildings on the site, comprising an electricity substation, a storage building and a café.

¹ London Borough of Waltham Forest Development Management Policies Local Plan 2013

² The National Planning Policy Framework 2012

³ Waltham Forest Local Plan Core Strategy 2012

12. Whilst I accept that the proposed development would be in clear contrast to the uniformity of the established street scene, the existing café building is already read as such, within the irregular plot that surrounds it and the proposed dwelling would replace it. I do not therefore consider that any harm would arise to the character of the area purely out of the siting of a new building within an irregular and non-uniform shaped plot.
13. The design of the proposed dwelling would follow a contemporary approach using bold lines, a mix of angles and materials. These factors combine to result in an appearance which again would be an obvious contrast to the back to back terraced housing in the wider area.
14. However, different in this case would not equate to visual harm. The proposed dwelling would replace a single storey building in poor cosmetic state which has limited architectural value. Some other low quality outside areas make up the remainder of the front and rear of the existing building. The proposed dwelling, purely as an example of contemporary design in its own right, and within this context, would improve this site and be an enhancement to the visual aspects of the spaces around it.
15. I am therefore satisfied that, considering the design and siting of the proposed dwelling and its associated curtilage in isolation and on its own merits, no harm to the character and appearance of the area would arise.
16. The proposed development would therefore, with regard to this particular issue, be in accordance with Policies 7.4 and 7.6 of the London Plan 2015, Policy CS15 of the Core Strategy and Policy DM29 of the Local Plan. These Policies seek to ensure that, amongst other things and along with section 7 of the Framework, new development is of a high quality and contextually appropriate design and appearance and reinforces or enhances local character and distinctiveness.

Conclusion

17. Whilst the proposed development would not cause harm to the character and appearance of the area or impinge on the privacy of neighbours, this would not be sufficient to outweigh the harm it would cause to the living conditions of the occupiers of both No 12 Wellington Road and the future occupiers of the proposed dwelling in the manner that has been set out above.
18. The appeal is therefore dismissed.

John Morrison

INSPECTOR