
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: 19 October 2016

Appeal Ref: APP/U5930/W/16/3154637

70 Lytton Road, Leytonstone, Waltham Forest, London E11 1JH

- 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 Anwar Jilani against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 160120, dated 18 January 2016, was refused by notice dated 8 April 2016.
 - The development proposed is the retention of rear-side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Owing to the location and nature of the development, it would be better described as seeking retrospective planning permission for the erection of a single storey rear extension. I have determined the appeal on this basis.
3. The appellant's statement refers to the labels on the submitted floor plans being incorrect. That is to say that the rooms labelled as bedrooms were not in actual fact intended to be used as such. A revised plan showing the use of the rooms prior to the development as well as their current use has been submitted. The Council have had an opportunity to comment on it. The flat is an existing one bedroom unit which evidently was a self-contained flat prior to the development and the bedroom was provided as shown on the revised plan.
4. For these reasons, as well as the fact that it does not fundamentally alter the development being applied for, neither party would be prejudiced by my acceptance of the revised plan. I therefore have regard to it in the determination of this appeal.

Main Issues

5. There are two main issues. These are the effect of the development on a) the character and appearance of the building and the area and b) the living conditions of its occupiers with specific regard to the standard of accommodation.
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Reasons

Character and Appearance

6. The appeal site is a narrow linear two storey terraced dwelling located in a densely populated residential area. Dwellings mainly face onto and are set in from the back edge of the footway. The development is to the rear of the dwelling and has extended the rear ground floor flat, which is one of four flats that occupy the building.
7. The development has been added onto the rear of the building, albeit somewhat 'bolted on' and wrapping partially around the side wall of the ground floor rear flat. The design utilises a largely featureless block like form and a single span flat roof. Neither the external materials nor the way they are bonded make any reference to the section of building to which the development is attached.
8. I accept that the first floor addition to the side is also not an exact match for the original dwelling in design and materials terms and has to some extent eroded the original character and appearance of the building. However, this is not sufficient justification to allow a further addition which is inappropriate in terms of its design and use of materials and erodes the character and appearance of the building yet further.
9. I note that the development is to the rear of the building and as such well screened from public view. Whilst this may be the case and means that the development causes no harm to the character and appearance of the area, this is not sufficient to outweigh the harm that is caused to the character and appearance of the building itself.
10. I accept that the other single storey extension to the rear of the ground floor is of similar scale and general form to the development. However it utilises a shallow pitch to its roof and follows the linear character of the original building.
11. The development is therefore contrary to Policy CS15 of the Core Strategy¹ and Policies DM4 and DM29 of the Local Plan². These Policies seek to ensure that, amongst other things and along with section 7 of the Framework³, new development (residential extensions and alterations specifically) is of a high standard and contextually appropriate design and appearance and relates to the original host building.

Living Conditions

12. The development provides for an additional room and a relocated bathroom. I note the Council's concerns over the size of the bedroom as it was shown but the revised plan has clarified the use of the rooms both within the original ground floor flat and following the development itself.
13. Given that this is the case, and considering that this rear section of the ground floor of the building was a pre-existing flat with a single bedroom plus living, dining, kitchen and bathroom space, the living conditions of its occupiers are not harmed as a result of the development. In actual fact quite the contrary since it increases the internal floor space of the flat.

¹ Waltham Forest Local Plan Core Strategy 2012

² London Borough of Waltham Forest Development Management Policies Local Plan 2013

³ The National Planning Policy Framework 2012

14. In respect of this particular issue therefore, there is no harm arising out of the development with regard to the living conditions of the occupiers of the flat and as such there is no conflict with Policy DM7 of the Local Plan. This Policy, along with one of the core principles of the Framework, seeks to ensure that, amongst other things, development is appropriate in the context of the living conditions of occupants with specific regard to an acceptable standard of internal space.
15. I note the Council's reference to Policy CS2 of the Core Strategy. The aims of this Policy are more geared towards ensuring an appropriate housing choice, mix and quality in new development on a more strategic level. It is not therefore specifically concerned with assessing the effect of a given development on the living conditions of either existing or future occupiers.
16. I do accept that the additional rooms provided are restrictive and I make this point with regard to the Council's reference to the Nationally Described Space Standard (NDSS) which was published in 2015. This document sets out the minimum space requirements for new and converted dwellings as well as room sizes and forms part of the revised London Plan. Whilst this may be the case, the correct layout of the ground floor flat has been provided and it is pre-existing as a single bed arrangement. The dimensions of the rooms as they have been provided in the development are not therefore determinative in my findings.

Conclusion

17. Notwithstanding the lack of harm that I have identified in respect of the living conditions of the occupiers of the existing flat, this is not sufficient to outweigh the harm that would be caused to the character and appearance of the building.
18. For this reason therefore, the appeal fails.

John Morrison

INSPECTOR