
Appeal Decision

Site visit made on 8 November 2016

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/U5930/W/16/3155617

Land at rear of 111 Vicarage Road, Leyton, London, E10 5EQ

- 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 Farmer Developments Ltd against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 153768, dated 20 November 2015, was refused by notice dated 4 March 2016.
 - The development proposed is the construction of a two storey, 4 bedroom dwelling house fronting Farmer Road.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council's Decision Notice is dated 4 March 2015, which predates the submission of the appeal application. I am therefore assuming that the correct date is 4 March 2016.
3. The Council has drawn my attention to a number of recent planning decisions and appeals. In the interests of conciseness I have not specifically referred to them, although I have taken all of them into account.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring residential occupiers with particular reference to outlook and privacy.

Reasons

5. The L-shaped appeal site is currently open space which adjoins Farmer Road to the north-west, to the rear of the remaining plot of no.111 Vicarage Road to the south-west. It lies at the end of three long back gardens of terraced housing at nos. 103-107 Vicarage Road. A secondary school borders the appeal site to the east.

Issue 1 – Character and appearance

6. Most of the immediate area is characterised by two-storey terraced housing, several with long gardens. In particular, the succession of long gardens to the

rear of housing on the north-east side of Vicarage Road forms a continuous green area, which is clearly valued by the local community. These features are key elements of the urban grain of this residential area, which Waltham Forest Core Strategy policy CS15 seeks to retain. This policy is also reinforced in Waltham Forest Development Management Policies Local Plan policy DM29, which stresses the need for proposals to reinforce or enhance local character and distinctiveness. Although I note the existence of the school, with several substantial buildings, I do not regard this complex as the principal design context for assessing the design context for a domestic dwelling.

7. The proposed dwelling, located at the rear of the above mentioned Vicarage Road properties, would have no relationship with the pattern of terraces in the area, either in its architecture, as a detached dwelling with a flat roof and square windows, or in its location, which does not relate to any existing building lines or alignments.
8. The design and building style of the proposal, which is perhaps akin to 'art deco', is not unattractive. However, I consider that the context for this type of architecture would be inappropriate on the appeal site, where it would be alien to the traditional vernacular of the neighbouring housing.
9. The proposal would also break the existing uninterrupted green space to the rear of housing on the north-east side of Vicarage Road which is an important feature in the locality. From reading the representations, this is a verdant feature which is valued as an amenity by local residents, despite its generally overgrown nature and lack of public access. In particular, the loss of its trees would add to my concern.
10. On the basis of the above evidence, it is my view that the proposal would disrupt the urban grain of the area, both as expressed in the traditional architecture, the pattern of built form and in the disposition of open space. As such it would be contrary to policy CS15, which states that new development should respond positively to the local context and character and recognise the urban grain, building typology and street pattern. It would also be contrary to policy DM29, as it fails to reinforce local character and distinctiveness.

Issue 2 – Living conditions

11. The proposed dwelling would face Farmer Road, with its side elevations at right angles to the back gardens of nos. 103-107 and 111 Vicarage Road. Even without a pitched roof, the height of the proposed dwelling, the edge of which would be located in very close proximity to the end of these gardens, would have an overbearing effect on the outlook of the occupiers of no 107, whose garden would be affected across its entire width.
12. There would also be two windows at first floor level facing the south and south-west from close quarters. It would be possible to require obscure glazed windows for the bathroom window which directly faces the back garden of no. 107 if I were minded to allow the appeal. The other window would serve a bedroom, but its being located at the corner of the proposed dwelling away from the gardens would mean that any overlooking would be directly over the car park, and no material harm to privacy would result. All the other separation distances would be acceptable in relation to the Council's policies.

13. On the basis of the above considerations, I find that, although the proposal would not harm the privacy of neighbouring occupiers, the proximity to the end of the garden of no. 107, and the length and height of the side elevation, would harm the living conditions of the occupiers of that property by reason of its overbearing impact on their outlook. It would therefore be contrary to policy CS13, which promotes satisfactory amenity (living conditions) and DM32, which requires that in relation to new development, outlook has to be maintained.

Other matters

14. The Appellant has drawn my attention to two nearby recent developments in Brewster and Primrose Roads, which it is claimed, have breached Council guidelines on privacy and building lines. From my site visits, however, I consider they relate well to the street scene in terms of design and existing building lines. Furthermore, I am not aware of the detailed circumstances relating to their planning permissions, and in any event I have determined the appeal before me on its particular merits the light of the relevant development policies and material considerations.

Conclusion

15. I have found that the proposed development would harm the character and appearance of the area, both in relation to the existing urban grain and loss of open space; it would also adversely affect the outlook currently experienced by the residents of no.107. It would therefore be contrary to the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR