

Appeal Decision

Site visit made on 16 September 2016

by Timothy C King BA(Hons) MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/U5930/W/16/3153466

1 Dyers Hall Road, Leytonstone, London, E11 4AD

- 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 James Waterworth against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 160236, dated 2 February 2016, was refused by notice dated 19 May 2016.
 - The development proposed is '*New end of terrace house*'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new end of terrace house at 1 Dyers Hall Road, Leytonstone, London, E11 4AD in accordance with the terms of the application Ref 160236, dated 2 February 2016, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. A964/01, A964/02, A964/03, A964/04, A964/05, A964/06, A964/07, A964/08, A964/09, A964/10, A964/11, A1041/LHS/01, A1041/LHS/02 and Site Location Plan.
 - 3) Prior to the commencement of development samples of all materials and finishes to be used on all external surfaces shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Prior to the commencement of development full details of the arrangements for refuse storage, the recycling of waste and also cycle storage facilities shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.

Application for Costs

2. An application for costs was made by Mr James Waterworth against the Council of the London Borough of Waltham Forest. This application is the subject of a separate decision.
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Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal property comprises a two-storey, end-of-terrace, period age dwelling with a spacious side curtilage. This open space is of significant width immediately behind street frontage point, but tapers in progressively towards the rear of the existing dwelling. It is proposed that the terrace be extended into the side curtilage area with the erection of a new, two-storey dwelling, replicating some of the terrace's characteristic features. It would be of identical eaves and ridge height to No 1. The new dwelling's frontage would be wider than the terrace's individual dwellings, although the depth would be significantly less due to the site's constraints. The site's proposed sub-division would allow for garden areas of some 60 sqm to be set aside for both the new dwelling and No 1, with the new dwelling's garden accessed via sliding doors serving the dining room. Its rear elevation would comprise a 'living wall.' An off-street parking space is also proposed for the benefit of the new dwelling's occupiers.
5. The general thrust of the Council's policies, relevant to this appeal, is to achieve high quality and inclusive design for new development, reinforcing local character and distinctiveness. To this end the Development Management Policies Local Plan (DMPLP) indicates that account should be paid to local patterns of development, its scale, height and massing and also detailing and materials. The theme is continued in the Council's 'Inclusive Housing Design' Supplementary Planning Document (SPD) which advises on points such as layout, good natural light provision and the importance of accessibility to public transport facilities and local services.
6. In approaching Dyers Hall Road from Grove Green Road the substantial gap beyond the flank wall of No 1 is readily apparent and, subject to an appropriate design and layout I see no reason why the terrace could not be extended and the front building line widened. In this particular instance, whilst I acknowledge that the proposed dwelling would be wider than the other dwellings along the terrace, this does not necessarily mean that it would be unduly dominant and imposing in its context. The additional width is to compensate for the reduced depth, the proposed design does incorporate characteristic elements of the terrace, and although the front bay windows would not replicate the original built form the general fenestration profiles, their height and front door would match those existing. Importantly, the front roof plane's depth would match that of the terrace and, all taken together, I consider that the proposal represents a logical continuation to the terrace. The degree of variation would not be harmful thereto.
7. In practical terms, relating to the living conditions consequent from the scheme, I note that the proposed dwelling would have a wide entrance hall and generous ground floor circulation space. The dual aspect, afforded by the flank façade would allow for a pleasant outlook and adequate external garden space for the enjoyment of the dwelling's future occupiers. Further, I note that the site is located within walking distance of local services and facilities and also

Leytonstone tube station and Leyton Midland overground station. Indeed, it has a high public transport accessibility level of 6a. Accordingly, I am satisfied that the proposal is consistent with salient points within the Council's SPD.

8. The Council has raised concerns that the proposal did not incorporate sufficient detailing to promote the scheme, but I am satisfied that the extent of this is not to a degree as to preclude a proper assessment of its planning merits and the appeal's determination. Such measures can be dealt with by way of planning conditions imposed and, to this end, the Council has provided me with a list of suggested conditions.
9. I conclude that the proposal would not be harmful to the character and appearance of the surrounding area, and I find no material conflict with the aims and requirements of DMPLP Policies DM29 and DM30, Core Strategy Policies CS2 and CS15, or the SPD.
10. For the above reasons, and having had regard to all other matters raised, the appeal succeeds. In terms of conditions, to ensure a satisfactory appearance and an appropriate standard of development, I impose conditions requiring for samples of all external materials and finishes to be submitted to the Council along with details of refuse and recycling storage and also cycle storage. All will require the Council's subsequent written approval. In the interests of certainty I also impose a condition requiring that the development shall be implemented in accordance with the approved plans. Finally, the Council has suggested a condition requiring that the development be implemented to achieve a Code for Sustainable Homes rating of Level 4. However, such measures are now incorporated into current Building Regulations, being part of the government's new national technical standards. No such condition is thereby necessary.

Timothy C King

INSPECTOR