
Appeal Decision

Site visit made on 15 November 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 5 December 2016

Appeal Ref: APP/U5930/W/16/3155113

230 Lea Bridge Road, Leyton, Waltham Forest E10 7LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr I Elitok against the Council of the London Borough of Waltham Forest.
 - The application Ref 160484, is dated 18 February 2016.
 - The development proposed is an extension to provide 2 x studio flats, 1x one-bed and 1x two-bed flats with associated amenity space, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the area; (ii) the effect of the proposed development on the living conditions of the occupants of 228 Lea Bridge Road, with regards to outlook and daylight; (iii) whether future occupants of the proposed development would be likely to experience acceptable living conditions in terms of internal living space, daylight and outlook; and (iv) whether the proposed development makes adequate refuse, recycling, storage and service provision.

Reasons

Character and Appearance

3. The appeal site is on the corner of Lea Bridge Road and Bloxhall Road in an area containing a mixture of residential and commercial properties. No 230 is a two storey building with a part two and part single storey outrigger at the rear. The end terrace property is constructed of brick with different shades of brickwork around the fenestration on Lea Bridge Road and Bloxhall Road. On the opposite side is 232 Lea Bridge Road which has a similar character and appearance to the appeal site, in terms of architectural style and detailing.
 4. The extension would significantly increase the depth and scale of the property, in particular at the rear, creating an elongated built form. The uppermost part of the extension would be level with the ridge height of the existing property and properties on Bloxhall Road. By inserting dormer windows in the Bloxhall Road elevation, this would introduce a new characteristic that is not evident in either Lea Bridge Road or Bloxhall Road. Consequently, they would emphasise
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the scale of the extension and lead to an unbalanced appearance, even though the highest part of the roof is angled away from the public domain.

5. While the first floor of No 228 has a greater depth and height than is currently found on the appeal site, the proposed extension would surpass this, especially at ground floor which would occupy nearly the full length of the plot. As a result the extension would be a dominant form of development which would not reflect the character and appearance of the terrace which it forms part of.
6. Accordingly, I therefore conclude that the proposed development would lead to a substantial harm to the character and appearance of the area which would be contrary to Policy DM4 of the Development Management Policies Local Plan (DMPLP), Policy CS15 of the Waltham Forest Local Plan Core Strategy (Core Strategy) and the Residential Extensions and Alterations Supplementary Planning Document (REASPD). Together these seek to, amongst other things, secure the highest quality architecture and urban design that positively responds to local context and promotes local distinctiveness.
7. The Council refer to Core Strategy Policy CS13 and Policies DM23 and DM32 of the DMPLP in their evidence, but these policies, amongst other things, seek to promote health and well-being and ensure the living conditions of neighbours are not adversely affected. Thus they are not relevant to this issue.

Living Conditions of 228 Lea Bridge Road

8. Occupants in the adjoining property have an outlook to the rear at ground and first floors with two windows on each floor. The rear elevations of Nos 228 and 230 face south easterly. A timber fence extends in-between Nos 228 and 230, while both rear gardens contain trees and shrubs.
9. The ground floor part of the rear extension would extend considerably into the garden of No 230, occupying the full width of the plot. The ground floor extension's height would, even with a flat roof, greatly exceed the highest part of the fence. Due to the extension's depth, it would have a much more severe effect on the amount of natural light received in the ground floor windows and rear garden of No 230, even taking into account the gable wall of No 4 and the landscaped gardens of Nos 228 and 230. The effect would be felt along the majority of the rear garden of No 230, due to the deep and bulky extension that would create a gloomy living environment for the occupants.
10. Similarly, a significant affect would be created on the outlook from the ground floor windows of No 228 by the presence of a tall and elongated extension. Although the effect would only be on one side, the proposal would nearly fill the whole space between the rear elevation of No 230 and the gable of No 4. Thus, the outlook of No 230 would be very limited and enclosed. While the first floor extension would be kept behind a 45 degree angle, this would not prevent a loss of daylight or outlook as a result of the ground floor extension.
11. For these reasons, on this issue, I conclude that the appeal scheme would unduly affect the living conditions of the occupants of No 228, with regards to outlook and daylight. The proposal would be contrary to Policies DM4, DM23 and DM32 of the DMPLP, CS13 and CS15 of the Core Strategy and the REASPD. Together, amongst other things, these policies seek to ensure the living conditions of neighbouring occupants, in terms of daylight and outlook is maintained.

Living Conditions of Future Occupants

12. The appeal scheme would result in the loss of a family home, however there would be a net gain the number of units on the site. It is suggested by the appellant that the ground floor studio flats meet the minimum internal floor area standard set out in the Technical Housing Standards – Nationally Described Space Standards (THS).
13. Each studio flat has its own good sized garden area, but the plans indicate that they would be provided with a bathroom and without any built-in storage space. The lower floor area in the THS is only applicable if a shower room is to be provided. Moreover built-in storage is required to ensure that new homes are functional and fit for purpose. Thus, the studio flats would provide for a cramped living environment, with limited space for storage.
14. Flats 3 and 4 both exceed the standard set out in table 8.1 of the DMPLP and the THS in terms of overall floor space. However bedroom 2 in flat 4 is slightly under the required floor space of 11.5m² for a two person occupancy as set out in the THS. Although it is only a small difference and the room contains a window that would afford the occupants a satisfactory source of light and outlook, the proposal is nevertheless below the minimum standard. Thus, I consider that the proposal would result in an unacceptably small living environment, below the minimum standards of the THS which would not meet the needs of occupants over the lifetime of each unit.
15. The studio flats would have an outlook into Bloxhall Road and a garden respectively. Concerns expressed by the Council, in terms of the 'L' shape kitchen and split floor layout in flats 3 and 4, do not in my view amount to unsatisfactory living standards for the future occupants, given all the rooms would be served by good sized windows and the overall high quality of the flats. Thus, I consider the occupants in these units would have a sufficient source of light and outlook which would provide sufficient ventilation, even if there is only one opening in studio flat No 2. However, my findings on daylight and outlook in terms of future occupants do not outweigh the impact the appeal scheme would have in terms of future occupants internal living space.
16. For these reasons, I conclude that the proposed development would not provide the future occupants with acceptable living conditions, in terms of internal living space. As such the proposal would not accord with Policy DM7 of the DMPLP, Policies CS13 and CS15 of the Core Strategy and the THS. These policies, amongst other things, seek to ensure through design, development of an appropriate size which is functional and fit for purpose so that it makes a positive contribution to the occupant's environment.
17. Given my findings on the issue in terms of daylight and outlook, there is no conflict with Policy DM32 of the DMPLP. The Council refers to Policy DM23 of the DMPLP, but this policy is not relevant to this issue as it is concerned with health impact assessments, promoting exercise and hot food takeaways.

Refuse, recycling, storage and service

18. Four bins would be stored in the flank elevation of the extended property for the flats and the shop to share. The location of the bins would be convenient for occupants of the flats and shop alike as well as refuse collection vehicles and operatives. Properties in the area, including the appeal site, contained a

mixture of black, green and brown bins, so that occupants can prevent and reduce the volume of waste produced. It is very likely that a large green bin would not be required due to the size of each garden area. However, given the number of sources from which refuse and recycling would arise, I do not consider four bins of an unknown mix would be to be sufficient to serve the entire development.

19. As no storage or service facilities would be on offer to the shop, any deliveries would need to go in or out via the front door and items would need to be stored within the confines the shop. It is likely that some storage could be accommodated within the shop itself, but it may not be suitable for every item. While it is suggested that the lack of such facilities would compromise the long terms vitality and viability of the shop, I am not sure that there is sufficient evidence to conclusively tell. I do, however have concerns that the lack of storage and servicing facilities would severely restrict potential occupants of the shop at a time when it is said not to be trading very well.
20. As there is little other room to provide further necessary on-site facilities for the residential occupants and the shop to use, I therefore conclude, on this issue that the appeal scheme would not make adequate refuse, recycling, storage and service provision. The proposal would be contrary to Policies CS13 and CS15 of the Core Strategy and Policy DM32 of the DMPLP. These policies, in respect of this issue, seek together to ensure development ensures a satisfactory amenity for occupants to improve the way places function.

Other Matters

21. Whilst concerns are raised in respect of the Council's timeliness and approach to decision making, the appellant has exercised their right to appeal against Council's failure to determine the application.
22. Although it is suggested the commercial unit at the front of the site is not trading very well, evidence in this regard is anecdotal and I observed the premise was occupied by an estate agent at the time of my visit. Even though reference is made to the use of permitted development rights and the prior approval process, my findings relate to the development proposed.

Conclusion

23. The appeal scheme would contribute towards the supply of housing in a highly sustainable location. I have found no harm from the appeal scheme in relation to daylight and outlook for future occupants of the development. This does not outweigh, however, the harm in relation to the scheme's impact upon each of the remaining main issues.
24. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR