The Planning Inspectorate

Appeal Decision

Site visit made on 7 February 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 13th February 2017

Appeal Ref: APP/U5930/W/16/3162265
52 Davies Lane, London E11 3DR

- 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 Ms Helen Lemaitre against the Council of the London Borough of Waltham Forest.
- The application Ref 162492, is dated 26 July 2016.
- The development proposed is demolition of existing garage and new infill terrace house (1 bed/2 person).

Decision

1. The appeal is dismissed and planning permission for the demolition of the existing garage and new infill terrace house (1 bed/2 person) is refused.

Main Issues

2. The Council indicate that had it been in a position to determine the application, it would have refused planning permission for reasons relating to (1) the effect on the character and appearance of the area and (2) failing to provide adequate external amenity space for future occupiers. The Council's statement also refers to internal space standards.

3. Taking into account the above I consider that the main issues in this case are:

    - The effect of the proposal on the character and appearance of the area; and
    - The effect of the proposal on the living conditions of future occupiers with specific reference to internal space and external amenity space.

Reasons

Character and appearance

4. The appeal site is situated on Davies Lane and comprises of an irregular shaped area of land currently occupied by a single storey garage. The surrounding properties are two storey traditional terraced properties with bays to ground and first floors. The strong rhythm of the road is emphasised by the houses set on a consistent building line behind modest front gardens typically with low walls, cornicing and the pattern of raised fire walls and chimneys. These factors contribute to the local distinctiveness of the area.

5. It is proposed to demolish the existing garage which is situated between the end gables of the appeal property and No 54 Davies Lane and erect a two storey 1 bedroom terrace house. The proposed dwelling was originally intended to be a similar height as the adjacent properties, however, following concerns raised by the Council the proposal was amended to include a step back of one metre from the front elevation and the height has been reduced in order to maintain the effect of a visual break between the terraces.

6. The materials of the proposal would match that of the existing terraces. However, the proposed dwelling would sit within a small plot compared to the more spacious plots of surrounding properties which have modest front gardens and generous rear gardens. The narrow frontage would exacerbate the cramped appearance of the proposal.

7. I note that the cill and head heights of the doors and windows and also the architectural moulding would align with that of neighbouring properties. Nevertheless, the flat frontage and modern windows would be in stark contrast to the surrounding properties which have projecting bays at ground and first floor levels, vertically proportioned windows and decorative architectural detailing which bring light and shade to the frontages. The proposal would, therefore, appear as an incongruous addition and disrupt the strong rhythm of the terrace. Furthermore, the proposal would be clearly visible when approaching in both directions along the street.

8. Even taking into account the amendments the proposal would, with the exception of the upper most section, result in the loss of the gap between the gable ends of Nos 52 and 54 which currently provides a visual break from the row of terraces. I note that there is only one other gap between terraces on Davies Lane which is narrower than the appeal site. However, the wider gap at the appeal site reflects the position of the appeal property on a shallow bend in the road.

9. Attention is also drawn to Ferndale Road which has a run of 45 terraced properties. However, I note that Ferndale Road has a greater number of terraced properties than Davies Lane which is also characterised by a number of larger public buildings such as schools. Notwithstanding the issue of the gap, the proposal would result in a narrow, cramped dwelling which would not reflect the character of surrounding properties.

10. Taking these factors in combination I consider that the proposal would be an incongruous addition at odds with the prevailing pattern of development. It would not, therefore, reinforce or enhance the local character and distinctiveness of the area.

11. For the reasons stated, I therefore, conclude that the proposal would be contrary to Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (CS) 2012 and Policy DM29 of the Council's Development Management Policies (DMP) 2013 which together, amongst other things, require high quality architecture and urban design which responds positively to the local context and character and promotes local distinctiveness and a sense of place.

Living conditions

12. The internal space standards set out in Policy DM7 of the DMP have been replaced by the Nationally Described Space Standard[1] which requires a 1 bedroom two-storey dwelling to have a gross internal floor area of 58m^2. The proposal provides a one bedroom two-storey house with an internal space of 54m^2. Although the bedroom would meet the specific room size requirement the overall size of the accommodation would fail to comply with this standard.

13. Policy DM7 of the DMP requires proposals to have access to an element of private external space which should be well-designed, appropriately located and useable. Table 8.3 of the DMP sets out minimum external space standards and states that a minimum of 50m^2 of private amenity space should be provided for one and two bed houses. Parties do not agree on the exact figure of external amenity space, however, the rear amenity space would be in the region of 10m^2 which falls significantly short of this standard. Although the garden to the front would provide approximately 14.5m^2 of amenity space, this would not be private.

14. Paragraph 8.7 of the DMP states that external space standards will be considered on a site by site basis, taking into account access to, amongst other things, green spaces. Attention is drawn to the close proximity of Wanstead Flats and Park which is approximately 130m away from the appeal site. The presence of amenity space in close proximity to the appeal site weighs in favour of the proposal. However, whilst there may be some flexibility in the application of internal and external space standards, I consider that due to the combination of insufficient internal and external amenity space that overall the proposal would provide a poor standard of accommodation for future occupiers.

15. I, therefore, conclude that the proposal would provide a poor standard of living conditions for future occupiers by virtue of inadequate internal and external space. It would, therefore, be contrary to Policy CS15 of the CS and Policy DMP7 of the DMP. Furthermore, conflict arises with paragraph 17 of the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Conflict would also exist with the Nationally Described Space Standards.

Other matters

16. The proposal would make a contribution, albeit limited, to housing supply in a sustainable location. However, these benefits would be outweighed by the significant harm which I have identified.

Conclusion

17. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector

[1] Technical housing standards-nationally described space standard DCLG (2015)