

Appeal Decision

Site visit made on 24 January 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/U5930/W/16/3159944

96a&b Dawlish Road, Leyton, London E10 6QW

- 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 Liaquat Yacoob against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 160573, dated 9 February 2016, was refused by notice dated 6 April 2016.
 - The development proposed is conversion of existing 2 self-contained flats to 5 x 1 self-contained flats, involving demolition of existing single storey rear extension and construction of two storey rear side extension including loft conversion with two rear dormer windows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the host property and the area and (ii) the living conditions of the occupiers of the neighbouring properties with particular regard to the noise, disturbance and activity.

Reasons

Character and appearance

4. The appeal property is a two storey semi-detached property that has been converted to two self-contained flats situated at the junction of Dawlish Road and Murchison Road.
 5. The property is located in a mature well-established high density residential area, typically characterised by terraced and semi-detached dwellings set back from the road. The properties are relatively evenly spaced, of comparable scale and form, with uniform separation distances between them. Where garages and other structures exist between dwellings, these are very low,
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clearly subsidiary, and have little impact upon the sense of separation. The appeal property being situated on a corner plot has more expansive grounds, which add to the open character and appearance of the street scene.

6. The proposal would entail the conversion of the property to five self-contained flats and the construction of a two storey extension at the side and rear of the property, with a rear roof extension with two dormer windows and rooflights on the front roof slope.
7. The two storey side extension would replace an existing garage and extend across the full depth of the house. It would project out by about 3m from the side elevation of the property with a gabled pitched roof to match the existing property. The proposed work to the rear would replace the existing single storey extension and infill the existing side area adjoining the outrigger of the property. It would result in a two storey addition with a width of about 4m that would project out from the rear elevation of the property with a dual pitched roof. The proposed roof extension would be of a flat topped design built over the main rear roof and a two storey outrigger projection following the L-shaped footprint at the rear of the property.
8. The proposed extensions, by virtue of their scale, siting and design, would be a significant addition relative to the main property that would fail to achieve an appropriate degree of subordination to the main house. The design and appearance of the proposed roof extension would be very much at odds with the older more traditional character and appearance of the host property and the advice contained in the Council's Residential Extensions and Alterations Supplementary Planning Document 2010 (SPD). This requires a more traditional roof form for such development and where there is an L-shaped footprint, permission will not normally be granted for dormer extensions that create one large extension over the roof of the property.
9. These shortcomings would be exacerbated by the extensions prominent position, which would be visible from a number of public vantage points along Dawlish Road and Murchison Road. As such, I consider that the proposed extensions would result in incongruous and out-of-keeping additions that would cause unacceptable harm to the original integrity of the host property and the character and appearance of the area.
10. I have considered the appellant's comments that the design of the development has been carefully considered to take into account the aesthetics of the appeal property and that the proposal is intended to improve the property and bring it up to date in accordance with the Council's priority to regenerate the area. Whilst the use of matching materials and fenestrations would assist in integrating the proposed extensions with the existing property, these aspects again do not overcome the adverse effects outlined above. I therefore accord these matters limited weight.
11. I note the appellant's comments regarding the previous planning permission granted in 2010¹ for four flats at the appeal site. This previous proposal has different development characteristics to the appeal scheme and took place in a different policy context. I also note the other developments in the area drawn to my attention by the appellant. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to those of

¹ 2010/1148

the present appeal proposal. The examples provided showing the larger housing schemes have different development and locational characteristics to the appeal scheme. I therefore accord them limited weight as precedents in this case.

12. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the host property and the area. It would be contrary to overall local character and design aims of Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 (CS) and Policies DM4 and DM29 of the London Borough of Waltham Forest Local Plan Development Management Policies 2013 (DMP). These policies, amongst other things, seek to ensure that new development demonstrates a high quality design that respects and responds positively to the local context and the character of the area. It would also accord with the Council's SPD which includes similar aims relating to good design in residential extensions and alterations, including being subordinate additions.

Living conditions of the occupiers of the neighbouring properties

13. The appeal site is located in a high density residential area situated close to the commercial areas on Francis Road and High Road Leyton with a range of local services and facilities. I observed during my site visit that the area was busy, experiencing noise and disturbance associated with traffic and pedestrian movements and the surrounding uses and activities in the area. The occupiers of the neighbouring properties would therefore be used to a certain degree of noise and activity particularly during the day and early evening.
14. The proposed appeal scheme would accommodate three additional self-contained flats. The appellant states that a total of eight people live in the two 3 bedroom flats at present and that the proposed development would accommodate a total of up to 10 people. No evidence has been provided by the Council to contradict the appellant's claims concerning the likely number of occupants of the proposed development.
15. Whilst I accept that there would be some impact from the proposal, in light of the evidence provided and my observations during site visit, I consider that the proposal would not significantly materially change the current situation in the area nor result in an unacceptable level of noise, disturbance and activity.
16. I have considered the Council's argument that the granting of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds in this case.
17. Consequently, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring property with particular regard to noise, disturbance and activity. Given the site specific circumstances, I consider that the proposal would accord with the overall amenity aims of Policy CS13 of the CS and Policies DM29 and DM32 of the DMP that seek to ensure that new development protects the amenity of the occupiers of existing buildings and neighbouring properties. I also find no direct conflict with Policy CS7 of the CS which relates primarily to developing sustainable transport and Policy DM7 of the DMP concerning the provision of external amenity and internal space standards.

Other matters

18. I have noted the concerns raised by a local resident regarding parking associated with the proposal. However, in light of my finding of harm to the character and appearance of the host property and the area, there is no necessity for me to consider these matters further.

Conclusion

19. Notwithstanding my findings on the lack of harm to the living conditions of the occupiers of the neighbouring properties this does not outweigh the harm found to the character and appearance of the host property and the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR