
Appeal Decision

Site visit made on 10 January 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 15 February 2017

Appeal Ref: APP/U5930/W/16/3155543

57 Whipps Cross Road, Leytonstone, London E11 1NJ

- 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 Advantage Rock against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 161202, dated 23 March 2016, was refused by notice dated 19 May 2016.
 - The development proposed is demolition of existing flats and construction of 4 no flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development in the heading above has been taken from the planning application form. However, in part E of the appeal form it is stated that the description of the development has not changed but, nevertheless, a different wording has been entered, which appears to have taken from the Council's decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a modest detached two storey house dating from the 1930s. It is at the end of a line of dwellings, many dating from around the same period. It occupies a rectangular plot with a large rear garden on the edge of a residential area, not far from the Green Man roundabout. A small green open space owned by the Council lies to the south, with a public footpath running through it between Whipps Cross Road and Teesdale Road. Further to the south a busy dual carriageway connects to the Green Man roundabout. The proposal is to demolish the existing house and replace it with a two storey building, with rooms in the roof, to provide four self-contained flats.
5. The development would front on to Whipps Cross Road and the front elevation would be set back on a similar building line to the existing and adjoining

dwelling. The design of the façade and its hipped roof does reference the vernacular architecture of many of the pre-war detached houses along the rest of the road. However, the front door would no longer face the road and would be located placed on the southern side. The width of the building would be increased and the three storey structure to the rear would be visible from the road, with the side of its dormer protruding from the roof and the two floors below jutting out beyond the edge of the front elevation.

6. The size of the new building would be noticeably larger than the existing dwelling and it would extend a significant distance into the rear garden. Though the adjacent dwelling to the north has side and rear dormers and has been extended at the back, the proposed building would be on a greater scale. That would be most apparent when seen from the public footpath and green space area which would offer clear views of the substantial southern elevation. Whilst it three dormers, balcony, numerous windows and roof design with various ridge and eaves levels may be an attempt to break up its perceived bulk, the design would appear awkward, over-complicated and lack visual harmony.
7. Though there are plants and some trees along the southern boundary, they would not adequately screen the proposal, especially during the winter months. Consequently, at this prominent corner location the overall size, scale, bulk and massing of the development, especially viewed from the southern side and rear, would dominate and have an adverse effect on the character and appearance of the area.
8. The Council's Urban Design Supplementary Planning Document (SPD)¹ states that careful consideration should be given to the scale, height and massing of proposed development in relation to its surrounding context. It seems to me, for the reasons already given, that the proposed design does not take sufficient account of those factors.
9. Whilst the current building extends into the garden to a degree, the replacement building would occupy more of the garden with two storey and single storey elements. Long gardens are characteristic of the area and where there are extensions into gardens they are mostly single storey and subordinate to the main house. The proposal would, therefore, be inconsistent with the pattern and character of development in the area.
10. Though the appellant accepts that the proposed development would increase the density of built form, the appellant submits that such an increase does not necessarily have an adverse impact on the character of an area. In support of that contention, the appellant refers to various planning permissions² in the area at Nos 63, 85-85A and 87 Whips Cross Road. Flats are also referred to at No 83. However, I have not been provided with full details of those applications and do not know the circumstances that led to them being accepted. Therefore, I cannot be sure that they represent a direct parallel with the appeal proposal, with regard to density or the effect on the character of the area.
11. I also note that 83 and 85 appear to have been much more substantial buildings to begin with than the existing building at the appeal site. Moreover,

¹ Adopted February 2010

² Refs: 010078, 2009/0873 and 1983/0838

most of the permissions referred to relate, according to the appellant, to conversions rather than involving demolition and replacement. In any event, I have considered the appeal on its own merits and find that the increase in built form would not reflect the generally low density housing and spacious forms of development in the area.

12. The appellant has also supplied a copy of an appeal decision³ relating to a previous proposal at the site, which was dismissed in 2011. The appellant submits that the current proposal bears little relation to that previous scheme for a 6-bedroom house and says that the frontage and general design would appear far more cohesive. Whilst I have some details of that scheme, I am not able to make a detailed comparison with the appeal proposal.
13. However, I do note that the Inspector also expressed most concern about the south elevation, and that a number of other aspects of the previous dismissed appeal appear similar to the current proposal in that it also concerned a substantial two storey building with rooms in the roof that extended well into the rear garden. It was also described as being much larger than other dwellings in the row. Nevertheless, I have assessed the proposal before me.
14. On the basis of the factors discussed above, I conclude that the proposed development would harm the character and appearance of the area. It follows, therefore, that it would conflict with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan (2013) and the SPD, which, amongst other things seek to ensure that development responds positively to local context and character and takes account of patterns of development, scale and massing, urban form and building typology in the area.

Other matters

15. The appellant submits that the proposed flats would contribute to the supply of housing. However, the appellant advises that the housing need identified relates to 3 and 4 bedroom properties, whereas the proposal is for self-contained flats replacing two existing flats. Though the appellant suggests that two of the new units would be of family size, I do not consider that the modest contribution to the supply of housing outweighs the significant harm to the character and appearance of the area.
16. In addition to the matters already discussed, concerns have been raised about parking, nearby trees, noise and the effect of dirt and dust during construction on users of the public footpath. I note that those concerns were considered but not shared by the Council. In any event, I have dismissed the appeal on other grounds.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR

³ APP/U5930/A/11/2144134