

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: 17th February 2017

Appeal Ref: APP/U5930/W/16/3163797
181 Waltham Way, Chingford E4 8AG

- 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 S Sophocli against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162043, dated 23 June 2016, was refused by notice dated 14 October 2016.
 - The development proposed is subdivision of existing 1x4 bedroom end of terrace house to form an additional 1x3 bedroom house; infill of first floor rear balcony; increase roof ridge height by 1m; erection of two dormer roof extensions to the rear; single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of existing 1x4 bedroom end of terrace house to form an additional 1x3 bedroom house; infill of first floor rear balcony; increase roof ridge height by 1m; erection of two dormer roof extensions to the rear; single storey rear extension at 181 Waltham Way, Chingford E4 8AG in accordance with the terms of the application, Ref 162043, dated 23 June 2016, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this Decision.

Procedural Matters

2. The description of the proposal is different on the application form and decision notice. I have used the description of the proposal on the decision notice in paragraph 1 and the banner heading above as I consider it to be a more detailed and accurate description of the proposal.

Main Issues

3. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the host property and area; and
 - The effect of the proposal on the living conditions of future occupiers with specific reference to external amenity space.

Reasons

Character and appearance

4. The appeal property is a two-storey end of terrace single family dwelling house situated on the west side of Waltham Way. The area is predominately residential
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comprised of two-storey terraced houses and some bungalows. The rear of the site is bounded by the valley of the River Lea. The Council has not raised concerns regarding the proposed single storey extension to the rear or the dormer roof extensions and from everything which I have seen in submissions and on my site visit I have no reason to disagree.

5. The appeal property forms the end of a group of terraced houses which have bays to ground and first floors and gable features on the front elevation. The Council consider that the proposal to increase the existing roof height by 1m and the alteration to the existing roof form from a hipped to gable would fail to replicate the rhythm and pattern of development featured on the group of terraces.
6. Raising the roof by 1m would result in the ridge height being the same as the roof of the adjoining terrace and would, therefore, improve the uniformity of the terrace. Consequently, I do not consider that this element would have a harmful effect on the host property or the street scene.
7. Number 171 Waltham Way (No 171) at the opposite end of the terrace features a hipped roof. The rear roof plane of the appeal property is partly hipped terminating in a flat roof. However, the ridge of the roof to the front steps down and continues over the existing first floor extension and terminates in a gable. Only the gable end of the side extension is visible from the road. Furthermore, I noted a number of gabled roofs on the end of terraced properties in the vicinity.
8. Although the proposal would result in a gable end on the side elevation, in contrast to No 171, this would simply replace an existing gabled roof. Consequently, I do not consider that the proposal would result in materially greater harm to the host property or the street scene than the existing situation.
9. For the reasons stated, I conclude that the proposal would not harm the character or appearance of the host property or area. The proposal would not, therefore, conflict with Policy CS15 of the Waltham Forest Local Plan Core Strategy (CS) 2012 and Policies DM4 and 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 in the case of extensions and alterations relates to the original host building and respects the street scene and character of the area.

Living Conditions

10. Criterion B of Policy DM7 of the DMP requires proposals to meet minimum external space standards as set out in table 8.3 and ensure that all homes should have access to an element of private space. Criterion B iii) requires that the external amenity space is well-designed, appropriately located and useable. It goes on to say that external amenity space should not be steeply sloping, awkwardly shaped or very narrow. Table 8.3 of the DMP indicates a minimum requirement of 50m² of private amenity space for one and two bed houses. For houses containing three bedrooms or more an additional 10m² per bedroom should be provided.
11. The requirement for the extended existing property (No 181) would be 70m² and the requirement for the additional 3 bedroom dwelling (No 181a) would be 60m². There is dispute between the parties regarding the size of the amenity areas that

would be provided by the proposal. The Council considers that the amenity area of No 181 would be 53m² and the amenity area of No 181a would be 22m². In contrast the appellant considers that the amenity areas would be 64m² and 35m² respectively. Notwithstanding the actual figure, both amenity areas would fail to meet the standards required by Policy DM7 to a greater or lesser extent.

12. Standard 26 of the Mayor of London's Housing Supplementary Planning Guidance (SPG) 2016 requires a minimum of 5m² of private outdoor space to be provided for a 1-2 person dwelling and an extra 1m² provided for each occupant. Consequently, the outdoor space requirement of the SPG would be met.
13. Given the dispute between the parties regarding the amount of proposed amenity space I have taken a figure between the Council's and appellant's calculation. On this basis the amenity space for No 181 would be approximately 58m² which would fall short of the requirement in table 8.3 by approximately 12m². However, although the amenity space would be slightly narrower than that of adjoining properties it would, nevertheless, be of a similar length. Furthermore, the rectangular shape would be appropriate for the usual range of activities associated with a domestic garden. On balance, therefore, I consider that the amount and quality of the amenity space would be acceptable for No 181.
14. The amenity space for No 181a would be approximately 28m² which would fall significantly short of the requirement set out in Policy DM7. The amenity space would be triangular shaped measuring approximately 4m adjacent to the rear elevation of the house, narrowing down to less than 1.5m wide at its furthest extent. The appellant points out that the smaller space would comprise of only 3.5m² at the very rear of the garden. Nonetheless, it would reduce the overall amount of amenity space which is actually useable. However, even taking into account this reduction the proposed amenity space would meet the standard in the SPG.
15. Although the proposed garden would be significantly smaller than surrounding gardens I, nevertheless, consider that the proposed garden would be sufficient to include the usual range activities associated with a domestic garden such as a washing line, table and chairs and play equipment, particularly at the part of the garden nearest the house which is most likely to be utilised.
16. Whilst there would be some conflict with Policy DM7, I note that paragraph 8.7 of the DMP states that external space standards will be considered on a site by site basis and will take a flexible approach when applying the standards. Where appropriate the Council will consider access to shops, public transport, public services, community facilities, parks and green spaces; the character and context of the site and surrounding area; the size of the site and constraints; and financial viability. Taking into account the presence of two large parks within approximately ten minutes walk of the site and the constraints of the site, I consider that in the specific circumstances of this case that a flexible approach is appropriate.
17. For the reasons stated above I conclude that the proposal would not cause harm to the living conditions of future occupiers of the property. Consequently, the proposal would not, therefore, conflict with Policy CS2 of the Core Strategy which requires high quality design from all new housing development. No conflict would also arise with the SPG.

Conditions

18. In addition to the standard time limit (1) I have imposed a condition (2) specifying the relevant drawings as this provides certainty. The Council have suggested a condition requiring samples to be provided of the materials; however, given that the proposal is for the sub-division of an existing property including extensions and alterations it would be appropriate for the materials to match those of the existing house and I have imposed a condition (3) accordingly in the interests of character and appearance.
19. I have imposed a condition (4) requiring that no windows be inserted on the side elevations of the extension in order to protect the living conditions of existing and future occupiers.
20. Another condition (5) is required to ensure the appropriate provision of refuse and recycling facilities and in the interests of character and appearance. The appellant considers that the details should be required prior to occupation rather than commencement, however, given that the facilities should actually be provided prior to occupation it is reasonable to require the submission of details in advance of this.
21. The Council has suggested a landscaping condition in the interests of highway safety and to protect the living conditions of neighbouring occupiers. It is not clear from the evidence before me how the landscaping condition would be in the interests of highway safety. Nevertheless, few details have been provided of the the subdivision of the garden area which would involve works to hard and soft landscaping and the erection of a boundary fence. Consequently, I consider that a landscaping condition (6) requiring details of means of enclosure together with hard and soft landscaping is required in order to ensure a satisfactory appearance and to ensure that any boundary treatment would not have an adverse effect on existing and future occupiers of the host property and the newly created property. An implementation condition (7) is also necessary to ensure successful implementation and maintenance of the landscaping in the interests of character and appearance.
22. Finally, I have imposed a condition (8) stating that no vents, extracts, or plumbing or pipes, other than rainwater pipes shall be fixed on the external face of the building unless shown on the approved plans in order to protect the character and appearance of the area. I have amended the condition to refer to the front and side elevations of the building as these are the most visible elevations.

Conclusion

23. The proposal would make a contribution, albeit limited, to housing land supply. This benefit would outweigh the limited conflict with the development plan which I have identified.

Caroline Mulloy

Inspector

Schedule

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL00, PL01, PL101, PL111; PL201 Reva; PL202 Rev a; PL211 Rev a.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the side elevations of the extensions hereby permitted.
 - 5) Details of refuse and recycling storage facilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted, with the agreed facilities to be provided prior to the initial occupation of the dwelling hereby permitted and shall thereafter be permanently retained.
 - 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include: indications of all existing trees on the land, identify those to be retained and set out measures for their protection throughout the course of development; and means of enclosure.
 - 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the use hereby approved, and thereafter shall be fully retained and maintained accordingly.
 - 8) No vents, extracts or plumbing or pipes, other than rainwater pipes, shall be fixed on the front and side elevation of the building, unless shown on the approved drawings.
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