
Appeal Decision

Site visit made on 28 February 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 8th March 2017

Appeal Ref: APP/U5930/W/16/3165604
43 Coolgardie Avenue, Chingford E4 9HP

- 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 Ms Gina Breyer against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162754, dated 17 July 2016, was refused by notice dated 13 October 2016.
 - The development proposed is demolition of detached rear garage and erection of two bedroom detached house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The evidence before me includes amended proposals comprising an amendment to the proposed roof form. However, the overall form of the dwelling would be significantly altered from that of the original application. As such I have considered only the application drawings in my reasoning, to ensure the interests of parties not consulted on the amended plans are not prejudiced.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers with particular reference to internal living and external amenity space, and the living conditions of occupiers of 43 Coolgardie Avenue with particular reference to external amenity space.

Reasons

Character and appearance

4. The appeal site is a portion of the rear garden of 43 Coolgardie Avenue (No 43). No 43 occupies a corner plot and is attached to a line of dwellings fronting Warboys Crescent. Notwithstanding the presence of a detached garage hard against the footway in the rear garden of No 43, the garden provides significant visual separation between the building lines of Coolgardie Avenue and Warboys Crescent.
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5. I noted on my visit that there is a strong underlying architectural consistency to the terraced dwellings on Coolgardie Avenue which have a repeating pattern of style and detailing. The dwellings are also aligned to a common building line which continues along the flank wall of No 43 and on the other side of the junction with Warboys Crescent.
6. The development would comprise the construction of a two storey detached house broadly on the footprint of the garage, which would include an oriel window and gable projection on its front elevation, reflective of the architectural detailing of other dwellings on the road.
7. However, the development's building line would be forward of that of the adjacent dwellings. I noted on site that the front elevation of 41 Coolgardie Avenue (No 41) is approximately 2.8 metres from the back of the footway, and the evidence before me indicates that the proposed dwelling would be approximately 1.4 metres from the back of the footway. Given the underlying consistency in the established building pattern and the degree to which the development's detailing would reflect that of nearby dwellings, I conclude that its positioning would appear incongruous and intrusive in the street scene and its proximity to the footway would appear cramped.
8. I appreciate that there is currently a garage in this position, but it is single storey and is clearly an ancillary building with a contrasting form and style to the nearby dwellings. It is also less bulky than the development before me. I appreciate that there would be a vehicular access separating the development from its neighbour on Coolgardie Avenue, but this does not alter my reasoning as there is also a significant gap between the appeal site and No 43, yet the building line remains constant.
9. The appellant states that a revised block plan¹ demonstrates that the development's building line would not be forward of the established lines but having reviewed the drawing, I have concluded that this plan does not support the appellant's case. The appellant argues that the position of the dwelling would not have a significant impact on outlook for occupiers of neighbouring dwellings, with which I concur, but this does not alter my conclusion in respect of a lack of consistency with the established building line.
10. The appellant has also drawn my attention to other appeal decisions within the Council's area. In one example, a linked appeal² was allowed for the construction of a dwelling on an irregular plot. However, the evidence before me does not facilitate an assessment of the locational context of the site or the size or position of the proposed dwelling. Furthermore, although the Inspector comments on a slight deviation in building line at first floor level, there is no mention of the building line at ground floor level. Consequently, I conclude that the situations are not comparable.
11. In the second example³, it is clear from the decision that the building would be built in a contemporary style and would be an obvious contrast to the back to back terraced housing in the wider area. In this case, the dwelling would be built in a traditional style and would incorporate design features found on its

¹ Dwg. 100/110 Rev B

² APP/U5930/W/16/3151362 & APP/U5930/W/16/3151567

³ APP/U5930/W/16/3153819

neighbours, but would be notably forward of the adjacent terrace. In any case, each appeal is determined on its own merits.

12. I also noted on my visit that there appears to be an infill development at 21A Coolgardie Avenue. This dwelling has been built in a contrasting style to the nearby dwellings, but its front elevation sits on the established building line, which reduces its overall impact.
13. The Council has also raised an objection in relation to the roof form which accentuated the bulk and height of the development. The existing dwellings on Coolgardie Avenue have ridgelines which are parallel to the road, whereas the development would be gable end to the road which would reflect the form of No 43. However, No 43 is some distance away, and although I concur with the Council that the roof form would accentuate the bulk and height of the development I am not satisfied that this would be sufficient to warrant dismissal of the appeal in the absence other concerns.
14. The appellant argues that the plot of No 43 is significantly larger than that of other dwellings in the area. Having reviewed the evidence before me I concur that it appears wider, but I am not satisfied that the difference is significant or necessarily justifies the construction of a second dwelling on the original plot.
15. In the light of the above, I conclude that the development would detract from the street scene, whose distinctiveness is largely derived from consistency and repetition of form, and that this would be detrimental to the character and appearance of the area.
16. Consequently, the development would be contrary to the design aims of Policy CS15 of the Core Strategy⁴ (CS) and Policy DM29 of the Local Plan⁵ (LP, and guidance given in the SPD⁶ with regard to building composition and building harmony.
17. Policies CS13 and CS16 respectively are concerned with healthy living and crime reduction, but the healthy living issues cited in the policy are not particularly relevant to the design issues under consideration here, and crime issues have not been mentioned by the Council and so are not determinative to my reasoning. I give these policies little weight.

Living conditions

18. The external amenity provision of 36 sqm would be significantly less than the 50 sqm required by Policy DM7 of the Local Plan⁷ (LP). Furthermore, although the space would be contiguous with the ground floor living accommodation and would be of a usable shape, it would be located to the north of the dwelling and would be overshadowed for much of the day. Although I am not satisfied that this would be sufficiently detrimental to the living conditions of future occupiers in the absence of other concerns, it reinforces my reasoning that the development would be cramped on the site. I appreciate that Inspectors have concluded on other sites⁸ that the quantum of external amenity provision could be offset by its quality, but I am not satisfied that that would be the case here.

⁴ Waltham Forest Local Plan, Core Strategy adopted March 2015

⁵ Waltham Forest Development Management Policies, Local Plan, adopted October 2013

⁶ Urban Design, SPD, adopted February 2010

⁷ Waltham Forest

⁸ APP/U5930/W/16/3151362 & APP/U5930/W/16/3151567

19. The appellant has referred to lower spatial standards given in the London Plan⁹. However, the standards referred to are for high density development, which is not the case here. As such I give this argument little weight.
20. With regard to the host dwelling, the external amenity space would be reduced from approximately 100 sqm to approximately 60 sqm. This would be a significant reduction, but I am not satisfied that it would be sufficiently harmful to the existing occupiers of No 43 to warrant dismissal of the appeal, as it is a corner plot and has space at the side and the front.
21. The Council argues that the development would provide cramped internal living accommodation. However, the evidence before me indicates that the internal floor space would be approximately 80 qsm which is in line with the national space standards¹⁰ for a new dwelling of this size. Furthermore, I disagree with the Council that the internal layout is compromised; I appreciate that there is no entrance lobby and that the ground floor would be open plan but I see no reason to find particular harm in this.
22. In the light of the above, the development would be contrary to LP Policy DM7 which sets out standards for external amenity space in respect of the living conditions for future occupiers, and CS Policy CS13 which requires development to have satisfactory amenity provision. CS Policy CS15 is primarily concerned with strategic urban design and is of little relevance in this regard.
23. LP Policy DM32 is cited in the reasons for refusal but this refers to the effects of development on occupiers and neighbours in relation to light, outlook and privacy. No objections have been raised by the Council on these grounds and therefore this policy is irrelevant to my reasoning. LP Policy DM30 refers to inclusive design for public access, and is also irrelevant to this appeal as the spaces in this appeal are private spaces.

Other matters

24. One of the Council's reasons for refusal cites the failure of the development to comply with the Lifetime Homes Standards (LHS). However the standards quoted¹¹ have been superseded by the spatial standards referred to above and revised Building Regulations¹² (BR). There is nothing in the evidence before me to indicate that the Council has transitional arrangements in place with regard to accessibility and inclusivity, and as such I conclude that this reason for refusal is no longer relevant. In any case, I see no reason to disagree with the appellant that the development would comply with the section of the BR that is concerned with Accessible and Adaptable dwellings.
25. The Council has mentioned that there may be parking pressure as the development would not have off-street parking, but as this has not been cited as a reason for refusal, I have concluded it is not a determinative issue.
26. Interested parties have raised other objections to the development, including access and the development pattern of garages on Warboys Crescent.

⁹ London Plan, March 2016

¹⁰ Technical Housing Standards, Department for Communities and Local Government, March 2015

¹¹ Lifetimes Homes Standards

¹² Approved Document M, 2015 edition with 2016 amendments

However, as I have found harm in relation to the main issues it is not necessary for me to consider these concerns further.

Conclusion

27. I appreciate that the development would provide a home for the appellant's family but this limited benefit would not outweigh the harm I have identified above. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR