
Appeal Decision

Site visit made on 7 February 2017

by Nicholas Taylor BA(Hons) MRTPI

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

Decision date: 8th March 2017

Appeal Ref: APP/U5930/W/16/3155171

58 Trevoise Road, Walthamstow, London E17 4DR

- 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 Nadeem Ahmad against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 160461, dated 17 February 2016, was refused by notice dated 23 May 2016.
 - The development proposed is a two storey detached dwelling at the rear of 58 Trevoise Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - The effect of the proposal on the character and appearance of the area;
 - The effect on the living conditions, by reason of outlook from their properties, of the occupiers of neighbouring dwellings in Pentire Road;
 - Whether the proposal would provide for adequate vehicular access and parking; and
 - The weight to be given to other material considerations, including any benefits accruing from the scheme.

Reasons

Character and appearance

3. The appeal property is a semi-detached house at the end of a cul-de-sac in a largely residential area. The busy North Circular Road runs to the rear, on a raised embankment. The general grain of the built development in the locality comprises semi-detached or terraced, two storey houses with small front but larger back gardens. However, the appeal property has an uncharacteristically large, irregular-shaped garden extending to the rear and side.
 4. The existing house has been extended to the rear and a substantial, single storey outbuilding has been constructed behind it, whilst a small, detached garage, which would be removed as part of the scheme, stands at the side of
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the house. The footprint of the proposed new dwelling would not occupy a large proportion of the overall existing plot. Nevertheless, the fairly bulky, two storey form, which would appear to reflect the mid-20th Century, suburban style of one half of a semi-detached pair of houses, would appear incongruous in this back garden location. That adverse impact would be accentuated by its position close to the side boundary, at odds with the existing pattern of development.

5. The Council raises concern about the visual impact of the large area of hard standing that would be created. It is likely that in order to provide for adequate access, parking and turning by vehicles, the area shown on the submitted proposed block plan would be the minimum required. However, this would not be unduly large in relation to the overall size of the site and would have limited visual impact on the street scene.
6. Although there are several trees within the garden and trees and a conifer hedge around parts of its side and rear boundaries, at the time of my site visit and as confirmed by third parties, these do not provide complete and continuous screening of the site from the street, footpath to the rear or neighbouring gardens, as the appellant claims. Moreover, I doubt, as does the Council, whether many of these would remain viable after construction of the proposed dwelling, either due to the direct effects of construction or their effect on light and amenity due to proximity to the house. Consequently, the proposed development would be visible from dwellings in Pentire Road and from the elevated footpath to the rear of the site as well as from the front of the existing house.
7. I conclude, therefore, that the proposal would harm the character and appearance of the area. That would be contrary to policy CS15 of the *Waltham Forest Local Plan Core Strategy* (LPCS), which sets out criteria for achieving well designed buildings and spaces, and with Policy DM29 of the *Development Management Policies Local Plan* (DMLP), which sets out design principles. In terms of this issue, I find little specific conflict with either Policy CS13 of the LPCS, which concerns promoting health and well-being, or Policy DM32, which concerns managing the impact of development on occupiers and neighbours. However, the proposal would be in conflict with part of the core planning principle, set out in paragraph 17 of the *National Planning Policy Framework* (the Framework), to always seek to secure high quality design.

Living conditions of neighbouring occupiers

8. A number of dwellings in Pentire Road have their back gardens bordering the side boundary of the appeal property. The rear habitable room windows of these properties would face directly towards the blank, two storey, gabled side wall of the proposed dwelling, which would be only just beyond the boundary. The appellant states that the scheme would comply with the Council's standards for distances between dwellings but the evidence from both main parties before me is unclear. In the absence of accurate, consistent, scalable drawings, my reading of the evidence and observation on site leads me to the conclusion that the distance between the rear windows of the Pentire Road dwellings and the side of the proposed house would be unduly limited. It would certainly be much closer than the general prevailing back-to-back or back-to-side distances in the immediate locality.

9. The existing conifer screen, even if it were to survive construction, currently extends only part way along the intervening boundary and so could not be relied upon to adequately mitigate the visual impact of the proposal.
10. This visual relationship created by the proposed two storey building would create an overbearing effect on the outlook both from the rear windows of the Pentire Road houses and from within their gardens. Such an impact on the living conditions of their occupiers would be unacceptable in this case.
11. Consequently, the proposal would conflict with Policy CS13 of the LPCS, which includes the effect of development on the amenity of neighbours, and Policy DM32 of the DMLP in terms of managing the impact of development on neighbours. It would also conflict with the Framework's core planning principle to secure a good standard of amenity for all existing and future occupants of land and buildings.

Access and parking

12. The appellant's *Design and Access Statement* refers to formation of a new access driveway off Trevoze Road, whilst reserving the existing access for No. 58. The appeal statement says that the two dwellings would share the existing access from the head of the cul-de-sac but would not share a driveway. The submitted 'proposed block plan' indicates (albeit sketchily) a single, shared access and driveway from Trevoze Road, with separate parking for both existing and new houses within the site.
13. Both the submitted plan and my observations at my site visit indicate that there would be very limited space alongside the front corner of the existing house to provide two separate, side-by-side driveways. Moreover, if the appeal scheme were to be implemented, a car parked at the front of the existing house would leave insufficient room to allow access to the proposed parking areas at the rear. It is also doubtful that the layout as shown on the proposed block plan would allow for vehicles to be easily turned within the site, so as to enter and exit the site in forward gear.
14. I accept that the overall site area is fairly large, so that some adjustment and greater clarity to internal layout could potentially be achieved. However, given the narrow pinch-point at the front of the property, the restricted highway space at the head of the cul-de-sac and the overall lack of clarity in the submitted scheme, I cannot be sure that acceptable access and parking arrangements for the intensified use of the site could be achieved. In view of the fundamental importance of this issue, I am not content that it could be addressed by a condition requiring further details to be submitted.
15. With regard to this main issue, therefore, I conclude that it has not been shown that acceptable vehicular access and parking provision could be made. That gives rise to conflict with Policy CS15 of the LPCS, in terms of general design criteria, and Policy DM16 of the DMLP, which sets out a number of requirements regarding parking and highway safety. Furthermore, it has not been demonstrated that safe and suitable access to the site can be secured, as referred to in the second bullet point of paragraph 32 of the Framework.

Other material considerations

16. The appellant draws attention to a number of benefits which would arise from the scheme. The Council does not dispute that, in principle, the overall location

is sustainable, in terms of access to services and transport, and I see no reason to disagree. The proposal would provide a two-bedroom, self-contained dwelling with private external space. I have no doubt that this would make a useful, if very small, contribution to housing need in the locality, although I have been given no specific evidence of the scale of such need nor any indication that the Council is currently unable to identify a 5 year supply of available housing land. The appellant also maintains that the new dwelling would fulfil the principles of 'Lifetime Homes' and sustainable design, although the Council casts some doubt on the former claim. All in all, I consider that these benefits contribute modest weight in favour of the proposal.

17. The Council considers that the application fails to show sufficient details to enable provision for cycle, refuse and recyclables storage to be properly assessed. These are important matters but, as acknowledged in the Council's appeal statement, there would be scope to make provision within the large overall site for acceptable storage of such relatively small items. Consequently, I am satisfied that this matter could be resolved by imposition of a condition requiring details to be submitted prior to occupation of the new dwelling. It therefore carries neutral weight in the planning balance.

Overall planning balance and conclusion

18. The appellant correctly points out that paragraph 53 of the Framework invites local authorities to consider the case for setting out policies to resist inappropriate development of residential gardens but does not directly oppose such development per se. In this case, I have not been referred to any development plan policies which oppose the principle of garden development. Nor is it disputed that the site is in a sustainable location.
19. However, that does not mean the proposal represents sustainable development in its entirety. The development plan provides the starting point. In this case, that comprises the LPCS and the DMLP. The London Plan is also part of the development plan but in this appeal I have not been referred directly to any particularly relevant policies.
20. Whilst it can be argued that the development plan is silent on the principle of garden development, I have found that the proposal would be in conflict with it with regard to each of my first three main issues. I have acknowledged that there would be some public benefits arising from the proposal and that they merit modest positive weight in the overall balance. No doubt the public benefits would contribute positively to achieving the objectives of some development plan policies but I am satisfied that the proposal would not be in conformity with the development plan when read as a whole.
21. The Framework is a highly important material consideration. I have found that, in terms of each of my first three main issues, the proposal would not conform with parts of the Framework. Whilst the benefit of providing a single, additional dwelling would make a modest positive contribution to one of the policies within the Framework, it cannot be said to comply with the Framework as a whole.
22. I have found that the proposal would cause significant harm and that it would conflict with the development plan and Framework as a whole. I conclude that there are no material considerations which indicate otherwise. This harm and conflict indicates that the proposal does not represent sustainable

development. To reiterate, the development plan is not silent on all aspects of the proposal. Consequently, the presumption in favour of sustainable development in paragraph 14 of the Framework is not engaged in this instance. Although it is, therefore, not strictly necessary for me to do so, in response to the appellant's specific argument, I confirm that the adverse impacts of allowing this development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

23. To conclude overall, for all the reasons set out above, the appeal should be dismissed.

Nicholas Taylor

INSPECTOR