

Appeal Decision

Site visit made on 20 February 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/U5930/W/16/3164886

25-27 Orford Road, Walthamstow, London E17 9NL

- 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 J&T Hooker Invest. Ltd against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref: 161919, dated 9 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is described on the application form as a proposed third floor 3 bed (4P) flat, alterations to 1st & 2nd floor flat & new shop front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the area, having particular regard to the setting of the grade II Old Town Hall listed building and whether the proposed development would preserve or enhance the character or appearance of the Orford Road Conservation Area (the CA); and
 - (ii) the living conditions of future occupants, with particular regard to outdoor amenity space.

Reasons

Character and appearance

3. The appeal site comprises a three storey Victorian terraced building featuring a double fronted restaurant on the ground floor, with residential uses on the upper floors. The site is located within a retail parade and is in an area characterised by both commercial and residential uses.
 4. From observations made during the site visit, the CA comprises a mix of Victorian cottages, semi-detached and terrace houses, shops and civic buildings. Yellow London stock brickwork, slate roofs and timber sash windows are the essential unifying features of the area. However, the use of red bricks and gault clay bricks are also a feature, either being used decoratively or as facing brickwork. Houses are generally set back from the footpaths, with gardens ranging in scale.
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5. The terrace in which the property is located consists of facing red brickwork, quoins and rendered shop fronts which make a significant contribution to the value of the CA as a heritage asset.
6. Opposite the site is the Old Town Hall, a grade II listed building. Erected in 1876, it remained the administrative centre of Walthamstow until the early 1940's. The building is constructed of yellow London stock brickwork with stucco dressings, and designed in an eclectic mix of Italianate and French empire styles. Due to its porticoed entrance, the building has an imposing presence within Orford Road and is eye-catchingly prominent. In this location, the building remains as one of the most important buildings within the area and is clearly located where it would be seen by those living nearby. The link between the Old Town Hall and the surrounding locality is significant to the setting of the building, as is the dominance of the Old Town Hall when seen from the surrounding area. The modest appearance and form of the terrace in which the appeal property is located contributes towards the dominance of the Old Town Hall, and is therefore a positive part of the setting of this listed building.
7. Section 66(1) and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that I pay special attention to preserving listed buildings including their settings and have regard to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets is set out in the National Planning Policy Framework (the Framework).
8. The proposed replacement shop front at ground level would consist of a new timber framed window frontage and the restoration of the existing console brackets, pilasters and cornices. In addition, original architectural features including stall risers and timber bead mouldings would be reinstated. Accordingly, the replacement of the dated shop frontage and the retention and restoration of historical features would enhance this section of the CA.
9. The existing slate roof would be replaced with a traditional slate faced mansard roof. The use of London stock brick for the brick gable and party walls would match the existing flank walls. Furthermore, the proposed dormer windows on the front elevation would align with the existing first and second floor sash windows and the parapet line would be retained.
10. The rear of the appeal property has been the subject of a number of alterations and extensions over the years. In addition, from observations made during the site visit, there is variety in terms of architectural styles and of scale within the immediate locality.
11. Nonetheless, despite being sympathetically designed in itself and using traditional materials, the scale of the mansard roof would span the entire width of the main roof and would be readily apparent within the street scene. In such views, due to its bulk, the mansard roof would appear as a visually intrusive and discordant feature within the existing uncluttered roof line of the host terrace. Accordingly, the effect would fail to preserve or enhance the character or appearance of the CA.
12. In relation to the setting of the listed building, although the mansard roof would be seen within the context of the nearby buildings, the four storey height of the appeal property would make it noticeably different. These differences

would be such that the terrace would harmfully draw the eye. As such, the proposal would harm the existing dominance of the Old Town Hall.

13. Reference is made by the appellant to planning approvals for similar schemes in Orford Road. However, I am not aware of the specific details of those developments and therefore I cannot be certain that the proposals and circumstances are the same. In any case, each proposal must be judged on its own merits on the basis of the development plan and all other material considerations which is what I have done in this case.
14. The magnitude of harm identified in respect of the designated heritage assets as a whole is less than substantial in the context of paragraph 134 of the Framework. However, I do not consider that the arguments advanced in favour of allowing the appeal amount to public benefits that would outweigh the substantial weight I must attach to the designated heritage asset's conservation.
15. On the evidence before me, no harm in relation to the shop front has been found. However, due to the harm identified in relation to the setting of the listed building and the CA, the proposed mansard roof would be contrary to the provisions of section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the proposed mansard roof would also be contrary to Policies CS12 and CS15 of the Waltham Forest Local Plan Core Strategy 2012 (the CS), and to Policies DM4, DM28 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan 2013 (the LP), and the Waltham Forest Residential Extensions and Alterations Supplementary Planning Document 2010. When taken together these policies seek, amongst other matters, to promote the conservation, enhancement and enjoyment of the Borough's heritage assets and require that new development should ensure the highest quality architecture and urban design that responds positively to the local context and character.

Living conditions

16. Policy DM7 of the LP and Policy CS2 of the CS confirm that new residential development should be of a high quality design. In addition, Policy DM7 of the LP further states that new residential development should meet the minimum external space standards as detailed within Table 8.3 of the supporting text to Policy DM7. The shared yard to the rear of the appeal site is approximately 10 square metres and falls considerably short of the minimal requirement of 30 square metres for a 3 bedroom flat.
17. The appellant has drawn my attention to the proximity of recreation grounds and open space areas within the locality. Access to the Walthamstow Village Square is between 3-5 minutes on foot from the appeal site. Access to the larger recreation area on East Avenue would require a journey of between 5-10 minutes on foot. I acknowledge that these areas are not located a significant distance away from the appeal site. Nonetheless, neither of the sites are adjacent to the site. As such, it is unlikely that these spaces would be used on a daily basis by any future occupants.
18. The appellant has also referred to community facilities, shops and public transport provision in proximity to the appeal site. There is no doubt that the site is located within an accessible location. However, these factors do not justify the deficiency of provision of outdoor amenity space.

19. I have had regard to the urban location of the appeal site and the supporting text in relation to Policy DM7 of the LP which acknowledges the need to take a flexible approach when applying the space standards. The benefit of the creation of additional units to the supply of housing within the Borough is also recognised. However, these factors do not overcome my concerns that the very modest outdoor amenity space proposed would be inadequate for the size of dwelling for basic activities such as sitting outside, drying clothes or children's informal play.
20. The appellant has drawn my attention to an application on Hoe Street¹. However, I have little information relating to the particular circumstances of this development and, as such, a comparison is not possible. Accordingly, I have considered the appeal before me on its individual merits.
21. In these circumstances, the proposal fails to provide a level of private outdoor space for future occupiers that could reasonably be expected in the context of the proposal. I therefore find that the proposal would cause significant harm to the living conditions of future occupiers, contrary the protection of residential amenity objectives of Policy DM7 of the LP and CS2 of the CS.

Conclusion

22. Despite finding no harm with regard to the new shop front, the harm I have found in relation to the CA, the setting of the listed building and to the living conditions of future occupiers in relation to outdoor amenity space is decisive. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR

¹ Council reference: 163494