

Appeal Decision

Site visit made on 30 March 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 25 April 2017

Appeal Ref: APP/U5930/W/17/3167465

Land Rear of 80 Bedford Road, Walthamstow, E17 4PU

- 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 Akram Hussain against the decision of the London Borough of Waltham Forest.
 - The application Ref 163077, dated 16 September 2016, was refused by notice dated 10 November 2016.
 - The development proposed is the erection of a new dwelling house at land rear of 80 Bedford Road, London, E17 4PU.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - The effect of the proposed development on the character and appearance of the area; and,
 - whether the proposals would safeguard the living conditions of neighbouring and future occupiers, having regard to outlook, light, privacy, and outdoor amenity space.

Reasons

Character and appearance

3. The appeal site comprises part of the rear garden and yard area of No. 80 Bedford Road, within which the proposed dwelling would be located, and part of the rear garden of No. 78 Bedford Road, which would be subdivided to provide a garden for the proposed dwelling.
 4. The proposed dwelling has essentially been designed as an extension to the end of an existing residential terrace, and I note would broadly replicate the scale, size, and many of the design details and features of the adjoining property at No. 88 Bedford Road, as well as of the wider terrace. In this respect, whilst I would disagree with the appellant's claim that the property would be *subservient* in itself, its specific design detail would not appear out of character with that of other dwellings within the vicinity.
 5. However, it is evident that part of the character of the area is defined by the relative spaciousness between the rear and flank elevations of dwellings when
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set at right-angles to each other, as in this instance. The proposed dwelling would significantly erode that openness within the street scene, which the residual gap between the flank elevation of the proposed dwelling and the rear of No. 80 Bedford Road would not visually compensate for.

6. As a consequence, the proposed development would result in a cramped relationship with the neighbouring property at No. 80 Bedford Road which would appear as an overdevelopment of the appeal site, and despite the detailed design of the dwelling, would result in an overall adverse impact on the street scene.
7. I am therefore satisfied that the proposal would conflict with Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 (the Core Strategy), and Policy DM29 of the Waltham Forest Local Plan Development Management Policies 2013 (the DM Policies), as well as the Waltham Forest Urban Design Supplementary Planning Document 2010 (the Urban Design SPD). These policies seek to ensure that buildings, places and spaces are well designed and of a high quality of architecture and urban design, and reinforce the local character and distinctiveness of neighbourhoods, taking into account existing patterns of development and urban form.

Living conditions

8. The existing outlook from the rear of No. 80 Bedford Road is dominated by the flank elevation of No. 88 Bedford Road. The resultant outlook as a consequence of the siting of the proposed dwelling would not differ particularly in terms of its character, but the proposed flank elevation would be significantly closer to the rear elevation of No. 80 Bedford Road. I consider that any impact on available light to No. 80 Bedford Road is unlikely to be unacceptable given the orientation and level of remaining separation between the buildings and the retained openness to the north and south. However, the proximity of the proposed dwelling to the rear of No. 80 Bedford Road would result in the impact of the bulk and expanse of the flank elevation being significantly more pronounced, to the extent that there would be an unacceptable sense of enclosure and an adverse impact on outlook for occupiers from the rear of No. 80 Bedford Road.
9. Turning to the impact on the privacy of neighbouring dwellings, I accept that the proposed dwelling would result in an increased level of overlooking into surrounding gardens from the first floor rear windows. However, I also note that this is not an uncommon or unusual feature within the area, where a certain degree of mutual overlooking already exists between many upper floor windows and neighbouring gardens. I am mindful that the orientation of the rear first floor windows is broadly angled away from the garden of No. 78 Bedford Road, but that the rear part of the garden of No. 76 Bedford Road would from a comparatively close distance be directly overlooked. However, I am satisfied that there is already a significant level of mutual overlooking between various first floor windows and neighbouring gardens within the vicinity, and that the proposals would not result in any significant departure from, or worsening of, this situation.
10. I have carefully considered the impact of the proposals in respect of both the provision of an adequate level of external amenity space for the proposed dwelling, and the level of residual garden space which would be retained for Nos. 78 & 80 Bedford Road. It is evident that the proposed and residual areas

of external amenity space would be towards the smaller end of the spectrum in the context of that available for surrounding properties. Furthermore, I am mindful that the external amenity space for the proposed dwelling would not at 40 sq.m meet the minimum space standard of 50 sq.m private amenity space for one and two bed houses, as set out in the DM Policies. As such, I am not satisfied that the limited size of the proposed and residual garden areas would provide sufficient external space which would be commensurate with the size of the dwellings, or satisfactory living conditions to meet the requirements of residents.

11. In respect of space standards, I have noted the appellant's reference to the London Housing Supplementary Planning Guidance and the requirement for a minimum of private open space of 5 sq.m for a 1-2 person dwelling, and an extra 1 sq.m for each additional occupant. However, I have not been provided with any detail or extracts of the Guidance, or am persuaded that it would supersede the DM Policies document, which explicitly expresses the standard as related to houses (terraced, semi-detached and detached) rather than more broadly as a minimum for dwellings.
12. I have noted that interested parties have, in addition to the issues already addressed, raised further concerns in respect of the impact on other nearby properties with regards to loss of light, and the potential for noise and disturbance in the future. However, I am satisfied that in respect of the position of the development adjacent to No. 88 Bedford Road and particularly noting the lack of projection beyond the plane of the rear elevation, that there would not be any significant loss of natural light due to its orientation from habitable room windows, or unacceptable overshadowing of the neighbouring garden given its orientation. Furthermore, I have no demonstrable evidence before me to support the contention that there would be an unacceptable increase in noise and disturbance from the future occupation of a house adjacent to No. 88 Bedford Road, which could not be satisfactorily addressed.
13. Whilst I have not found the proposed development to have an unacceptable impact on the light and privacy available to neighbouring occupiers, I am satisfied that there would be a failure to safeguard the outlook of neighbouring occupiers, and provide an adequate level of external amenity space for both proposed and existing dwellings. As a consequence, the proposal would not safeguard the living conditions of neighbouring and future occupiers, and would therefore conflict with Policies CS2 and CS13 of the Core Strategy, and Policies DM7 and DM32 of the DM Policies. These policies require development to manage the impact on neighbouring amenity and to meet minimum external amenity space standards.

Conclusion

14. The proposed single dwelling would make a limited contribution towards the supply of housing in the local area, with the local economy also having the potential to experience some limited benefit both during the construction period and following occupation. Nevertheless, whilst acknowledging the above benefits, for the reasons I have already set out above, I have found that the proposal would be harmful to the character and appearance of the area, and would not safeguard the living conditions of neighbouring occupiers. As a consequence, I have not found the development to be in accordance with the

Development Plan. I am satisfied that despite the limited benefits summarised above, that these would be significantly outweighed by the adverse impacts.

15. For the reasons given above, I conclude that the appeal should be dismissed.

M Seaton

INSPECTOR