

Appeal Decision

Site visit made on 11 April 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 5 May 2017

Appeal Ref: APP/U5930/W/16/3162959

53 Oakdale Road, Leytonstone E11 4DJ

- 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 William Font against the decision of the London Borough of Waltham Forest.
 - The application Ref 161323, dated 26 April 2016, was refused by notice dated 23 September 2016.
 - The development proposed is described as 'Change of use from Class B2 (general industrial) to a Class C3 (residential) flat and undertaking of associated physical alterations, including basement extension, alterations to elevation along Central Avenue and creation of private amenity space in the form of a central courtyard and rear garden'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from Class B2 (general industrial) to a Class C3 (residential) flat and undertaking of associated physical alterations, including basement extension, alterations to elevation along Central Avenue and creation of private amenity space in the form of a central courtyard and rear garden at 53 Oakdale Road, Leytonstone E11 4DJ in accordance with the terms of the application, Ref 161323, dated 26 April 2016, subject to the 4 conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr William Font against London Borough of Waltham Forest. This application is the subject of a separate decision.

Main issues

3. The main issues in the appeal are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of the proposed dwelling, with particular regard to outlook and light.

Reasons

4. The appeal site comprises of the ground floor and basement of a two-storey end terrace property and brick built single storey workshop buildings with steel shutter doors, which are located to the rear of the property, fronting onto
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Central Avenue. The character of the area is defined by two storey terraced houses.

Character and appearance

5. The Council have argued that the use of render and metal cladding would be an uncharacteristic feature of the area. However, based on my observations it is clear that render is used frequently on both dwellings and boundary walls in the proximity of the appeal site. Therefore, its use would not appear inappropriate in this residential context. Further, the use of metal cladding reinforces the industrial character and local distinctiveness of the workshop element of the building. This conclusion is consistent with the Council officer's report that states that metal cladding would echo the previous industrial use of the building. Therefore when considered in the context of this residential area, the use of the proposed materials at this site specific location would not appear incongruous or inappropriate. Consequently, the proposed cladding and render would not result in material harm to the character and appearance of the area.
6. Having come to the conclusions above, it follows that the proposal would be consistent with Policy CS15 of the adopted Waltham Forest Local Plan Core Strategy and Policy DM29 of the Waltham Forest Local Plan Development Management Policies. These seek amongst other things to ensure that development reinforces the local distinctiveness of an area.

Living conditions

7. I have carefully considered the Council's representations with regard to light and outlook. However, the largely open plan layout that includes both external and internal windows would allow adequate light to permeate through the dwelling from the internal courtyard/garden areas and Central Avenue. Furthermore, the proposed sky lights would also provide natural light into main habitable rooms of the dwelling. I therefore conclude that the scheme would provide adequate daylight/sunlight for residential accommodation a conclusion that is consistent with the appellant's comprehensive Daylight, Sunlight and Overshadowing Assessment of October 2016.
8. The proposed external amenity space (courtyard/garden) would amount to a total of approximately 47.5m² which exceeds the Council's requirement of 40m² for a 4 bedroom flat. Furthermore, there is no substantive evidence before me that would conflict with the appellant's overshadowing assessment. This clearly demonstrates that whilst overshadowing effects may occur in the courtyard and garden of the proposed development this would not be materially different to that of the amenity space of surrounding dwellings. I therefore conclude that whilst smaller than the prevailing gardens in the area, the proposed external space would receive sufficient daylight/sunlight which would provide an adequate level of outlook and residential amenity for future occupiers.
9. Consequently, the evidence before me demonstrates that the arrangement of windows, sky lights and external amenity space would not result in material harm to the living conditions of future occupiers of the proposed dwelling. Having come to the conclusions above, it follows that the proposal would not conflict with Policy CS2 and CS13 of the adopted Waltham Forest Local Plan Core Strategy and Policies DM7 of the Waltham Forest Local Plan Development

Management Policies. These seek amongst other things to ensure that external amenity space is well designed and accessible.

Conditions and conclusion

10. The conditions suggested by the Council have been considered in light of the advice contained within the national Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, it is necessary for the avoidance of doubt and in the interests of certainty, to define the plans with which the scheme should accord.
11. To ensure the satisfactory appearance of the scheme and to protect the character and appearance of the area, it is necessary for the materials used to be submitted to the Council for approval. In the interests of amenity and the environment it is necessary to impose conditions relating to cycle, refuse and recycling storage.
12. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR

Conditions Schedule

- 1) The development must be begun no later than the expiration of three years beginning from the date of this decision notice.
- 2) The development shall be carried out in accordance with plan numbers: 858/PL/01–858/PL/04 (received: 26 April 2016) and 858/PL/05A–858/PL/09A.
- 3) Samples and a schedule of all external materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any building work commences and this condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved details.
- 4) Prior to the commencement of the development full details relating to the following shall be submitted to the Local Planning Authority:
 - a) The design of and enclosed, secure and lockable cycle stores,
 - b) Refuse and recycling facilities,

The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the development hereby approved, and thereafter shall be fully retained and maintained accordingly.