

Appeal Decision

Site visit made on 8 May 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 02 June 2017

Appeal Ref: APP/U5930/W/17/3168478
36 Cheltenham Road, Leyton, E10 6EU

- 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 Miss Emel Hakki against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163653, dated 7 November 2016, was refused by notice dated 29 December 2016.
 - The development proposed is erection of two-storey side extension to form a new dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two-storey side extension to form a new dwellinghouse at 36 Cheltenham Road, Leyton, E10 6EU in accordance with the terms of the application, Ref 163653, dated 7 November 2016, subject to the conditions in Annex A.

Main Issues

2. The main issues are (a) the effect of the proposal on the character and appearance of the area and (b) whether the proposal would provide appropriate living conditions for future occupiers, with particular regard to the provision of garden space.

Reasons

Character and appearance

3. The site would be located adjacent to the existing dwelling at No 36 Cheltenham Road. The dwelling would be formed from a side extension to No 36. It would be two storey with a small set back from the front of the existing house. The roof would be hipped and set below the ridge of the existing house. The materials proposal would be brick and tile to match the existing building.
 4. Cheltenham Road is mainly laid out with groups of terraces and some pairs of dwellings, Nos 34 and 36 are one of the pairs. Epsom Road also contains groups of terraces. There are some gaps between the groups and the frontage width of individual properties varies. As the council point out there are not large numbers of side extensions. Nevertheless the overall feel is of a strong frontage of development albeit with variation in style along both sides of the road.
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5. The provision of the dwelling in the form of a side addition would continue the frontage character. The design of the addition would appear subservient to No 36. It would be well proportioned and use appropriate materials. As such it would assimilate well in to the street scene and it would not be visually intrusive. I understand that the Council are concerned about the subdivision and entrance door and how this would sit in the street. The overall composition of the dwelling would be harmonious with No 36. In addition given the predominance of terraces within the area the appearance of the appeal scheme would not be out of place.
6. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area. It would not be in conflict with policies CS2, CS13 and CS15 of the Waltham Forest Local Development Core Strategy (CS); DM29 of the Waltham Forest Development Management Policies (DMP) and Supplementary Planning Document Residential Extensions and Alterations which amongst other things require a high standard of design for new development that takes into account patterns of development, urban form, detailing and materials.

Living conditions

7. The Council are concerned about the size and shape of the garden that would be created. I appreciate that many of the dwellings in Cheltenham Road have long gardens. However, the shape and depth of gardens in the surrounding area is variable, particularly on corner plots. There is no dispute that the size of the garden would be acceptable and meet the numeric requirements of DMP policy DM7. It would be to the rear of the dwelling and could be made private. Therefore, overall, I consider that the garden of the new dwelling would not be unacceptable.
8. Whilst not within the reason for refusal the Council's statement raises the matter of the internal living space. In particular that the requirements of DM7 in this regard would not be met and the size of the study room. The dwelling would be two storey and there is no dispute that the Gross Internal Area (GIA) would be 58m². Policy DM7 does not make provision for a 1 bedroom two storey home. The appellant has referred me to the '*Technical housing standards - nationally described space standard*' which was published after the adoption of the DMP. The standard for a two storey 1 bed 2 person house is a minimum GIA of 58m². The dwelling would meet this standard. In light of my findings on the main issues, compliance with the national standard and that this issue was not raised in the reasons for refusal this issue does not alter my view that the scheme would be acceptable.
9. I therefore conclude that the proposal would provide appropriate living conditions for future occupiers, with particular regard to the provision of garden space. It would not be in conflict with DMP policies DM7 and DM29 as well as CS policies CS2, CS13 and CS15 in so far as they require new development to provide an appropriate level of well-designed, located and usable amenity space and high quality development internally and externally.

Conditions

10. The Council has suggested a number of conditions which it considers would be appropriate were I minded to allow the appeal. I have considered these in the

light of the relevant tests at paragraph 206 of the Framework and where necessary amended them.

11. Conditions relating to commencement and plan numbers are necessary for the avoidance of doubt and in the interest of proper planning. In the interests of the character and appearance of the area a condition requiring materials to match the existing building is also reasonable and necessary. The Council sought the removal of permitted development rights for the alteration and/or extension of the dwelling and provision of outbuildings. Such conditions should not be imposed unless there is clear justification to do so, and should only be used in exceptional circumstances. In this case the condition would be reasonable to allow control over the size of the garden area.

Conclusion

12. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR

Annex A – Conditions

- 1) The development to which this permission relates must be begun not 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 drawings labelled: EHE10-PL16 01A; EHE10-PL16 02A; EHE10-PL16 03A; EHE10-PL16 04A; EHE10-PL16 05A; EHE10-PL16 06A; EHE10-PL16 07A; EHE10-PL16 08A (received on 7 November 2016)
- 3) The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent work with regards to the methods used and to material, colour, texture and profile, unless the prior written approval of the Local Planning Authority is obtained to any variation, or except where otherwise stated on the approved drawings.
- 4) Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended) (or any Order revoking and re-enacting that Order), no enlargement, improvement or other alteration of, or to, any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained via the submission of a planning application to the Local Planning Authority; nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwelling house as such be constructed or placed on any part of the land covered by this permission without such planning permission having been obtained.

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