

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: 14 June 2017

Appeal Ref: APP/U5930/W/17/3168954
36 Blackhorse Lane, Walthamstow, E17 6HJ

- 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 Apostolos Christophorou against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162940, dated 6 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is new development to create 2 storey commercial unit in between 34 and 36 Blackhorse Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (a) the character and appearance of the area; (b) the provision of retail floor space in the locality and (c) whether the proposal would make appropriate provision for the storage and collection of refuse and recycling.

Reasons

Character and appearance

3. This part of Blackhorse Lane is characterised by terrace properties. There is a building on the corner with Clifton Avenue then the garage that forms the appeal site and thereafter a terrace continues. These properties are regular in width, have projecting gable features and similar fenestration, mainly in the form of sash style or subdivided windows.
 4. In stark contrast to this the appeal site would be much narrower. The resultant design of the building would include a large undivided window at first floor level. In addition to provide storage at second floor a flat roof dormer window would be provided. This is not a common feature in the current street scene. I appreciate that the height would not exceed that of the existing buildings. Nevertheless, the overall the design and appearance that would result would be at odds with the overall street scene in this location.
 5. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be in conflict with policy CS15 of the Core strategy and policy DM29 of the Development Management Policies (DMP) which seeks new development that is appropriate to its context and reinforces or enhances local character and distinctiveness and takes local patterns of development and form into account.
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Provision of retail unit

6. The Council's policy for the provision of retail uses is set out within policies DM25 and DM26 of the DMP. The site is not located within a designated retail frontage. The approach to such frontages within the DMP policies does not seek to protect retail uses. The provision of alternative uses is accepted subject to compliance with other policies within the plan. DM26 seeks to enhance vitality and viability by applying a sequential approach to the location of new town centre uses.
7. The appeal scheme would provide a small shop at ground floor level. The Council's objections to the provision of the unit are based on it not being viable or sustainable in this location. I understand that there is very little information available about the proposed use and that the floor area would be limited. The plans do not indicate a specific use but the appellant's statement indicates that he is seeking to '*...establish a takeaway coffee shop on the site...*'. However, the DMP policies do not require the appellant to demonstrate that the end use would be viable particularly given its location outside of a designated retail frontage or parade. In this regard the scheme would not be in conflict with either policy DM25 or DM26.

Provision of refuse and recycling

8. The red line for the appeal scheme is shown on the block plan and appears to contain the area where the new building would be located. The appellant points out that the scheme does not seek to extend the rear elevation of the building and as such refuse and recycling storage could be provided within the existing area to the rear of the building in a similar manner to other nearby commercial premises. I appreciate that practically this may be possible. However this is not shown on the plans and I have no indication that this area would in fact be available for such provision as it is not within the appeal site or shown as other land within the appellant's control. As such it would not be reasonable to deal with this matter through the submission of additional details.
9. Therefore based on the information before me I cannot be satisfied that the scheme would make appropriate provision for the storage and collection of refuse and recycling. It would therefore be in conflict with CS policies CS6, CS13 and CS15 and DMP policy DM32 which amongst other things seeks to ensure that appropriate facilities for the storage, collection and disposal of refuse are made within new developments.

Conclusion

10. I understand that the appellant is seeking to maximise the use of the site for what he considers to be a beneficial purpose. Further I have found that the retail unit would not be in conflict with the development plan. However, the scheme would not make appropriate provision for the storage, collection and disposal of refuse and it would harm the character and appearance of the area. There would be conflict with the development plan in these areas and I attach significant weight to this.
11. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board
INSPECTOR