
Appeal Decision

Site visit made on 15 June 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 7th July 2017

Appeal Ref: APP/U5930/W/17/3169788

Garages between 36a and 38a Byron Road, Walthamstow, E17 4SW

- 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 Jason Knight against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 161503, dated 11 May 2016, was refused by notice dated 25 August 2016.
 - The development proposed is described as *"The proposal involves demolishing the existing garage buildings and replacing them with two new family dwellings, one of which will be the applicant's own home. This constitutes a change of use from Sui Generis to C3(a)"*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant points out that some of the existing and proposed plans are incorrect regarding the ground level at No 36a. The appellant has submitted amended plans to address this matter. Having taken into account the limited extent of the changes I am satisfied that my considering them would not be prejudicial. Therefore the appeal is considered on this basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of nearby properties with particular regard to outlook and privacy.

Reasons

4. House 'B' would be located along the boundary of the site with the dwellings in Aubrey Road. These properties are two storey in height and have rear facing windows and rear garden areas adjacent to the site. It would be a mix of single and two storey heights. The two storey element would be positioned close to the rear garden areas of Nos 33 and 34 Aubrey Road and the existing right of way. The gardens of Nos 31-34 are reduced in depth compared to those around them. I understand that a large proportion of House 'B' would be single storey and low lying. Nevertheless the element of first floor proposed would be in close proximity to the boundary. In particular the large blank east elevation of the building would be visible above the existing boundary treatment. It would be lower than the existing houses. However, neither this

nor its material finish would lessen its visibility above the existing boundary treatment.

5. Nos 36 and 36a Byron Road are also two storey with rear facing windows and shorter gardens. The two storey part of the building would be positioned close to the common boundary. Again it would be visible above the existing boundary treatment. Overall, for these reasons, in both cases I consider that the new building would appear prominent when viewed from the house and garden of existing dwellings in Byron Road and Aubrey Road. The effect would be overbearing. It would result in substantial harm to outlook.
6. The appellant has drawn my attention to the existing garage buildings. I understand that these buildings are present on site and in some cases are close to the boundary with nearby dwellings. I do not doubt that in some cases the garages are visible from surrounding houses. Nevertheless, the single storey form of these buildings is clearly distinct from the two storey element of house 'B' now proposed. Therefore this does not alter my conclusions on the issue of outlook.
7. The second issue raised relates to the effect of House 'A' on the privacy of existing occupiers. The reason for refusal refers to a 'terrace/balcony' for House 'A'. The appellant is clear that there is a non-accessible area of sedum roofing. On the plans it is annotated as sedum roof and the window is shown with a balustrade. Based on this information there is no indication that there would in fact be a balcony for House 'A'. A fixed balustrade would limit any views from the opening at second floor, which is setback from the rear elevation of the adjoining properties. Therefore, I do not consider that the design of House 'A' would result in loss of privacy for the occupiers of existing dwellings.
8. Whilst I have found that the proposal would not lead to loss of privacy for existing occupiers it would have a harmful effect on the living conditions of the occupiers of nearby properties with particular regard to outlook. In this regard it would be in conflict with policies CS13 and CS15 of the Core Strategy and DM29 and DM32 of the Development Management Policies which amongst other things seek to manage the impact of development on neighbours and seeks to ensure that outlook is maintained for existing occupants. It would also be in conflict with a core principle of the National Planning Policy Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

9. I understand than the scheme would provide two dwellings that would be energy efficient, support housing growth and make efficient use of the site. However, none of these matters alters or outweighs my findings on the main issue.

Conclusion

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

D J Board

INSPECTOR