



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/17/3170842

154 Newport Road, Leyton, E10 6PF

- 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 H Karadag against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163757, dated 16 November 2016, was refused by notice dated 7 February 2017.
 - The development proposed is demolition of existing rear storage and rebuild single storey with loft residential unit (1x1 bed).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has referred to 'PPS1 and PPS3'. These documents were replaced by the National Planning Policy Framework (the Framework). The appeal is considered on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of adjoining properties with particular regard to outlook, daylight and sunlight; and
 - Whether the proposal would provide appropriate living conditions for future occupiers with particular regard to internal space standards, the provision of external space and the provision of cycle and refuse storage.

Reasons

Character and appearance

4. The scheme would replace the existing single storey building on the site with a two storey building to form a new dwelling. The area to be used is located to the rear of an existing shop which fronts Newport Road. It would be visible from Norlington Road which is characterised by terraced dwellings that have strong gable roof forms and projecting gables.

5. I appreciate that in terms of scale the building would not be out of place. Nevertheless the provision of a single dwelling in this location would be a distinct contrast to the terrace blocks in the area. In addition the design of the building would have a monopitch style roof and the footprint would use the entire site area. As such very limited space would remain around the dwelling. As a result it would appear cramped and incongruous.
6. 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 London Plan (LP) policies 7.4 and 7.6, policies CS2, CS15 and DM29 of the Development Management Policies (DMP) and Supplementary Planning Document – Urban Design which amongst other things require new development to enhance local character and distinctiveness.

Living conditions existing occupiers

7. The new dwelling would be in close proximity to the existing unit at the rear of No 154. In fact the new unit would have a window facing onto the area shown as garden for this unit. In addition the new building would place a two storey building in close proximity to the adjoining building Nos 150 and 152 Newport Road. There are windows in the rear elevation of this building and the flank wall of the building would run alongside a large portion of the common boundary.
8. The new building would be prominent and visible from Nos 150 and 152. In particular when viewed from the house and garden. Consequently the outlook from Nos 150 and 152 would be obstructed by an imposing building of significant height. The effect would be overbearing. It would result in substantial harm to outlook. This would be compounded by the relative orientation of the two buildings and the resultant impact of the two storey building on levels of daylight and sunlight to the existing building and its outside area.
9. I therefore conclude that the proposal would have a harmful effect on living conditions of the occupiers of adjoining properties with particular regard to outlook, daylight and sunlight. It would be in conflict with CS policies CS13 and CS15 and DMP policies DM7 and DM32 which amongst other things seek to ensure that daylight/sunlight, outlook and privacy is maintained for existing occupiers in their homes and gardens. It would also be in conflict with the Framework which seeks to secure a good standard of amenity for existing occupants of land and buildings.

Living conditions future occupiers

10. The Department for Communities and Local Government's Technical Housing Standards (Nationally Described Space Standard, March 2015) set out minimum space standards for dwellings. The Council set out that the required space standard would be 58sqm. The scheme shown on the plans is estimated to have a floor area less than 50sqm. There is no dispute that the internal rooms would meet the requirements of the development plan policies. However, the dwelling would be single aspect. In particular the ground floor living area would be deep and have one single opening that would face the garden area of the existing unit to the rear of the shop.
11. The layout would include a small area shown as a garden. It would be deficient in quantity when considered against the requirements of the development plan.

In addition it would be located between the existing building at No 54, the new building and the area of outside space retained for the existing dwelling. To be made private it would have to be enclosed which in turn would impact on light into the area and the new dwelling. As a result it would not be pleasant to use. I am conscious of the need to avoid inflexible standards, especially in an urban context. However, in this case the floor area and single aspect nature of the dwelling taken together would create a design and layout that would not be pleasant for future occupants of the unit.

12. The plans do not show any provision for the storage of bicycles or provision for refuse and recycling. I have no indication that an area would in fact be available for such provision within the appeal site. As such it would not be reasonable to deal with these matters through the submission of additional details. 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.
13. I therefore conclude that the proposal would not provide appropriate living conditions for future occupiers with particular regard to internal space standards, the provision of external space and the provision of cycle and refuse storage. It would therefore be in conflict with CS policies CS2, CS6, CS13 and CS15 and DMP policies DM4, DM7, DM16, DM23, DM29 and DM32 which amongst other things seek to ensure a high standard of design and layout for new development and ensure that the intended occupiers of new properties have adequate daylight/sunlight, outlook and privacy. It would also be in conflict with the Framework which seeks to secure a good standard of amenity for future occupants of land and buildings.

Conclusion

14. Therefore for the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR