
Appeal Decision

Site visit made on 10 July 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/U5930/W/17/3173011

The Quant Building, 6 Church Hill, Walthamstow, London E17 3RY

- 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 Guy Davis of Hiltongrove against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 161001, dated 4 April 2016, was refused by notice dated 3 February 2017.
 - The development proposed is for the erection of a two storey additional roof top extension for the creation of 1 x 2 bedroom unit; 7 x 3 bedroom units and 1 x 4 bedroom units.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the consideration of the application by the Council, the proposed development was amended and these amendments also changed the type of residential units proposed and the description of the development. The Council determined the application on the basis of those amended plans and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on
 - (i) the character and appearance of the area;
 - (ii) the living conditions of the occupiers of the residential properties to the south of the site on Stainforth Road with particular regard to privacy and outlook; and
 - (iii) parking demand in the area.

Reasons

Character and appearance

4. The appeal site is located on the south side of Church Hill between Hoe Street and Stainforth Road. The site has a part three, part four, storey building which was formally an office block. The building has been largely converted into residential accommodation although works were still being carried out at the time of my site visit.

5. It is common ground between the main parties that a roof extension is acceptable in principle and I have no reason to disagree. The key issue therefore relates to the scale and massing of the development.
6. The proposal would be setback from the existing exterior wall fronting Church Hill by around 1 metre, with a setback of around 1.69 metres from the Stainforth Road frontage. The rear wall would be located in line with the existing building.
7. Whilst the set back on the Church Hill elevation would assist in reducing the overall massing and scale of the proposed development it would still nevertheless be seen as a large, bulky, extension to the existing building, particularly when viewed from the Hoe Street/Church Hill junction. The extent of the bulk of the proposal would give rise to harm to the character and appearance of the streetscene by reason of its over dominance.
8. In respect of the Stainforth Road elevation the level of setback, combined with the single storey element, would allow the proposed development to sufficiently integrate with the scale of the surrounding buildings.
9. Turning to the rear elevation, this would not be especially visible from public vantage points. As such the siting of the rear of the development in line with the existing rear wall would not have a significant effect on the overall character and appearance of the building nor the wider area. However, this does not outweigh the harm I have found.
10. For the above reasons, the proposed development would harm to the character and appearance of the streetscene contrary to Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan (2013) (LP) which amongst other matters seek to ensure that new developments are well designed and respond to the context in terms of scale height and massing.

Living conditions

11. The proposed development would have its main rear wall located in line with the existing rear wall. The main parties agree that the development would increase the visual bulk of the host building. Given the proximity of the appeal building to the rear gardens of the properties in Stainforth Road (and in particular Nos 51 and 53) it is clear that any increase in height and massing of the building would impact on the amenity enjoyed by the occupiers of those properties whilst in their rear gardens.
12. As a result of locating the rear wall of the proposed extension in line with the existing wall, when viewed in combination with the increased height of the building, the development would have an unacceptable overbearing impact on the occupiers of Nos 51 and 53 when they utilise their rear gardens.
13. Turning to the potential loss of privacy, it is noted that the existing properties on Stainforth Road are orientated in a way that there would be no overlooking potential between habitable room windows. Therefore, any privacy issue would relate to the garden areas to the rear.
14. In this respect, the existing apartments in the appeal building already overlook these gardens to a significant degree. The additional properties (and their respective balconies) would add to the amount of properties which would

overlook these garden areas. However, given that these are not private areas now, I consider that the additional overlooking potential would not amount to a significant loss of privacy over and above the existing situation. However, this does not outweigh the harm I have found.

15. For the above reasons the proposed development would have an unacceptable overbearing impact on the living conditions of the occupiers of Nos 51 and 53 Stainforth Road contrary to Policy DM32 of the LP which amongst other matters seeks to protect the living conditions of the occupiers of existing residential properties.

Parking demand

16. The appeal site is located in one of the most sustainable locations in the Borough and has a high Public Transport Accessibility Level (PTAL 6a). The Council have indicated that all new residential development within highly sustainable locations which are in controlled parking zones are required to be car capped so that no resident parking permits would be provided.
17. The Appellant has provided a draft unilateral undertaking which seeks to restrict occupiers of the development from having parking permits in a residents parking bay within the controlled parking zone. However, given that this undertaking has not been completed I give this no weight in the determination of this appeal.
18. In considering the effect of the development on parking demand, the Council have referred to Policies DM15 and DM16 of the LP. Policy DM15 deals with managing private motorised transport and in particular the most efficient use of the available highway network. Given the issue raised by the Council, this policy is not particularly relevant.
19. Turning to Policy DM16, this states that the council will seek to effectively manage parking and to ensure the provision of safe and attractive parking facilities by *encouraging* (my emphasis) car-free and car-capped development in locations that are highly accessible by public transport; are accessible to opportunities and services, and/or have high levels of parking stress. To my mind, Policy DM16 does not require new residential development to be car free or car capped.
20. Given the location of the site, future residents would be very close to a wide range of shops and services as well as excellent public transport links. As such, future residents of the development would not be dependent on private cars for access to goods and services. Taking this into account, the development would accord with the aims of the above policies which seek to manage traffic and parking demands.
21. In coming to that view, I acknowledge that there is already a high demand for parking spaces in the area, and in particular along Stainforth Road. However, from the evidence before me, I consider that the development would not generate a significant level of additional parking demand.
22. For the above reasons, the development would accord with Policies DM15 and DM16 of the LP which amongst other matters seek to manage private motorised transport and to ensure that car parking demand is effectively managed.

Other matters

23. I have also had regard to the effect of the development on the clock tower opposite the site on Church Hill which is a locally listed building for its importance to Walthamstow town centre. The development itself would not affect the clock tower but would have some impact on its setting owing to the overall height and scale of the development. However, I consider that such an impact is low and would not harm the significance of this non-designated heritage asset.

Conclusion

24. Taking all matters into consideration I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR