
Appeal Decision

Site visit made on 8 August 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 4th September 2017

Appeal Ref: APP/U5930/W/17/3175999

9a Napier Road, Leytonstone, London E11 3JJ

- 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 M Arshad against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 170259, dated 11 January 2017, was refused by notice dated 21 March 2017.
 - The development proposed is demolition of existing building and erection of two-storey three bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and erection of two-storey three bedroom house at 9a Napier Road, Leytonstone, London E11 3JJ in accordance with the terms of the application, Ref 170259, dated 11 January 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have amended the description of the development to reflect that used on the appeal form in the interests of clarity.
3. Amended plans seeking to address the Council's concerns regarding bedroom size and provision for waste and bicycle storage were submitted by the appellant at around the time that the application was determined. The Council has had the opportunity to comment on the amendments and as I consider them to be minor, such that they would not materially alter the nature of the application or prejudice the interests of interested parties, I have considered the application on the basis of the revisions in drawing 1670/02 Rev B.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether future occupiers of the dwelling would experience acceptable living conditions in terms of the provision of both internal and external space; and,
 - Whether the proposal would make sufficient provision for the storage of both bicycles and waste and recycling facilities.

Reasons

Character and appearance

5. The appeal site is a triangular shaped plot located between No 9 Napier Road and No 41 Worsley Road, with its long side bound by a high brick wall fronting onto Napier Road. It is within an area of two storey terraced properties with small front gardens and with most rear gardens appearing to be of modest size. The site is currently occupied by a two storey former commercial building and a number of other single storey buildings, all of which were in a dilapidated state and somewhat of an eyesore in the local street scene at the time of my site visit. This proposal would introduce a triangular shaped two storey dwelling to the rear of this plot, with both *front garden* spaces and a *private courtyard garden* fronting onto Napier Road.
6. Whilst the Council considers that the overall design of the proposed dwelling would be in keeping with the area, it is suggested that the lack of private garden space would be a departure from local character, leading to an over-development of the site. I accept that the proposal would not follow the predominant pattern of front and rear gardens, however there is evidence of some departure from this where similar irregularly shaped side and corner plots have been developed close to junctions. Furthermore, as the proposed dwelling would be set to the rear of the plot, continuing the front building line of No 9, and as its front garden would therefore be of a similar width to this and other dwellings, this plot would not appear cramped or over-developed in the street scene.
7. The Council's reasons for refusal also refer to the relationship of the appeal site to its immediate neighbours. Both of these end terraces currently present blank brick walls to the appeal site. Whilst the relationship with the blank side elevation of No 41 Worsley Road would be altered in terms of the additional two storey coverage of the appeal site, overall the improvement to the appearance of the appeal site would mean that this relationship would not be awkward or harmful to the townscape in any other way. Looking at No 9, as the appeal property would appear as a continuation of the Napier Road frontage, the introduction of a consistent frontage appearance would be both beneficial to the street scene and an improvement on the current situation.
8. I therefore conclude that the proposal would not have a detrimental effect on the character and appearance of the area. In these respects it would comply with the Waltham Forest Local Plan Core Strategy 2012 (Core Strategy) Policies CS2 and CS15 and the Waltham Forest Local Plan Development Management Policies 2013 (DMP) Policy DM29 which, taken together, require a high standard of design which responds to its context, local character and sense of place.

Provision of internal and external space

9. As I have accepted the revisions presented in drawing no 1670/02 Rev B, the proposal under consideration is for a three bedroom dwelling with one double bedroom (indicated as 11.5m²) and two single bedrooms (both indicated as 8.5m²). This would therefore be a 4 person dwelling. The required minimum sizes referred to in the London Plan Policy 3.5 and set out in the technical

standards¹ are 7.5m² for a single bedroom and 11.5m² for a double bedroom. This is slightly below the minimum floor areas of 8m² for a single room and 12m² for a double or twin room as set out in DMP Policy DM7.

10. Therefore, whilst the size of the proposed double bedroom falls slightly below the DMP standard, it meets the minimum requirement referred to in the London Plan Policy 3.5. As these latter requirements are connected with a more up to date policy, and as the total internal floor area of this dwelling would be around 94m², above the minimum standard of 84m² for a 3 bedroom 4 person dwelling referred to in the London Plan Policy 3.5, my view is that overall this aspect of the proposal would be acceptable.
11. Turning to the external area, it is clear that in terms of private amenity space the '*private courtyard garden*' at around 28m² would fall considerably below the required minimum size of 60m² set out in DMP Policy DM7. This space would be significantly smaller than many adjacent rear gardens and its triangular shape would reduce its usable area. However, noting the suggested use of the southern narrowing part of this space for cycle storage, the remaining area would be of sufficient size for some of the activities associated with a domestic garden such as outdoor seating and some play equipment. I also note that there are other examples of corner properties with smaller irregularly shaped side gardens in this area.
12. Furthermore the supporting text to Policy DM7 at paragraph 8.7, refers to the need for a flexible approach to be taken to the application of the external space standards. It advises that factors such as access to public transport, public services, community facilities and other parks and green spaces, along with the character and context of the site should be considered. As this is a constrained site in an accessible location, with Langthorne Park a short distance away, my view is that the specific circumstances of this case indicate that it is appropriate to take a flexible approach.
13. The Council also argues that as this garden area is located adjacent to the street it would not be private and its usability would be limited. Nevertheless, some degree of overlooking is common and expected within what is a reasonably high density residential environment, and could be managed with appropriate boundary treatment. Whilst the complete boundary treatment proposed is not clear, this is a matter which could be addressed by condition.
14. For these reasons I conclude that the future occupiers of the dwelling would experience acceptable living conditions in terms of the provision of both internal and external space. The proposal would therefore comply with the Core Strategy Policy CS2, DMP Policy DM7 and the London Plan Policy 3.5, all of which require new residential development to be of the highest quality, internally and externally.

Bicycle and waste storage

15. Amended drawing 1670/02 Rev B indicates provision for the storage of bicycles at the southern narrowing point of the private courtyard garden. As previously indicated my view is that this would make good use of this space. The same drawing indicates that waste and recycling bins would be located within the

¹ Technical housing standards – nationally described space standard 2015

front garden area. As similar arrangements are in place at other properties in this area such provision would be acceptable.

16. Therefore, I find that the proposal would make sufficient provision for the storage of both bicycles and waste and recycling facilities. In these respects it would comply with the requirements of the Core Strategy Policies CS7 and CS13, DMP Policy DM16 and the London Plan Policy 6.3 in relation to sustainable travel, parking and promoting health and wellbeing. It would also comply with the requirements of Core Strategy Policy CS6 and DMP Policy DM32 in relation to promoting sustainable waste management and recycling and also managing the impacts of development on occupiers and neighbours.

Conditions

17. I have had regard to the conditions suggested by the Council, the National Planning Practice Guidance on conditions and the comments made by the appellant. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions relating to external surfaces, boundary treatments and soft and hard landscaping are required in the interests of the character and appearance of the area. However, as this is a small private garden I do not consider it necessary to require the management of soft landscaping as suggested.
18. I have included a condition relating to water efficiency in the interests of ensuring adequate water supplies. A condition relating to cycle storage and external lighting is required in the interests of sustainable transport and managing the local impacts of the development. A condition relating to construction management is necessary to manage the local impacts of the development in the interests of the living conditions of local residents. A condition relating to refuse storage facilities is also required in the interests of the local environment.
19. A number of these conditions need to be discharged before work commences on site as these are fundamental to a satisfactory scheme. Finally, a condition referring to building regulations does not meet the test of necessity in relation to planning.

Conclusion

20. I have found that the proposal would be acceptable in terms of its effect on the character and appearance of the area, internal space standards and storage facilities for bicycles and waste and recycling facilities. Whilst the provision of external space would be below usual standards, I have found that this would cause limited harm in this case. Balanced against this latter point I also note that the proposal would provide an additional unit of accommodation in a sustainable location. For these reasons the proposal would comply with the requirements of the development plan taken as a whole and the appeal should succeed.

AJ Mageean

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 1670/10 Block Plan; 1670/01 Existing Plans and Elevation; 1670/02 Proposed Floorplans Rev B; 1670/03 Proposed Elevations Rev A.
- 3) No development other than demolition and below ground works shall take place until samples and/or a schedule of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of the development, other than demolition and groundworks, details relating to the siting, design and height and finish of all new walls, fencing, railings and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the dwelling hereby approved and thereafter shall be fully retained and maintained accordingly.
- 5) Notwithstanding any indications on the submitted drawings, details of hard and soft landscaping on site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the dwelling hereby approved and retained thereafter.
- 6) Prior to the commencement of development, a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained.
- 7) Prior to the commencement of the development, other than demolition and groundworks, full details relating to the following shall be submitted to the Local Planning Authority:

The design of secure and lockable cycle stores,

All forms of external lighting to be provided on site.

The details shall be fully completed in accordance with the approval prior to first occupation of the development.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement, including any demolition, has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction; and,
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 9) The refuse storage details shown on the approved drawings shall be in place prior to the first occupation of the dwelling hereby approved and thereafter retained for their intended purpose.