
Appeal Decision

Site visit made on 10 October 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 27 October 2017

Appeal Ref: APP/U5930/W/17/3179358

49b, The Drive, Walthamstow, London E17 3DF

- 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 Maurice Richards against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162745, dated 17 August 2016, was refused by notice dated 5 January 2017.
 - The development proposed is demolition of existing garage and redevelopment into a block of two 3 bed four person maisonettes.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and redevelopment into a block of two 3 bed four person maisonettes at 49b, The Drive, Walthamstow, London E17 3DF in accordance with the terms of application Ref 162745, dated 17 August 2016, and subject to the following conditions:
 1. The development must be begun not later than the expiration of three years beginning with the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: LP/01, E/01, E/02, SP/01, SP02, P/04 and P/05 received on 17 August 2016 and P/01 (Rev A), P/02 (Rev A) and P/03 (Rev A) received on 24 November 2016.
 3. The brick and render to be used in the construction of the external wall surfaces of the development hereby permitted shall match those used on the neighbouring buildings on Blackberry Close.
 4. Notwithstanding the details shown on the approved plans no development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Main Issues

2. The main issues in this case are:

1. The effect of the proposed development on the character and appearance of the area.
2. The effect of the proposed development on the living conditions of the neighbouring occupiers with particular regard to outlook.

Reasons

Character and Appearance

3. The area surrounding the site is a mature residential area comprising a mix of individual dwellings and flats. Those on The Drive generally have a traditional character and appearance, while those on Blackberry Close are of a contemporary design. The scale of properties is also varied and includes substantial 3 and 4 storey blocks, including Manning House immediately adjacent to No 49b and Nos 9-12 Blackberry Close immediately adjacent to the site, as well as 2 storey properties of a more domestic scale.
4. 49b The Drive is a traditional two-storey, semi-detached house with a dormer roof extension to the rear. It has a long rear garden incorporating a garage, now in a dilapidated condition, which has access from Blackberry Close at the rear. It is proposed to demolish the garage and to construct a three-storey building containing two maisonettes in its place. Access and parking space for two cars would be provided off Blackberry Close.
5. Given its position, the development would not be unduly prominent from The Drive but would be seen in the context of the dwellings on Blackberry Close. As a result of its regular, shallow-pitched form, its contemporary appearance and external materials it would reflect the character of existing properties within the Close. It would be a similar height to existing properties and would reflect the prevailing building lines at both the front and rear. I accept that the building would be higher and would extend further back into the site than a building previously allowed at appeal¹. Nevertheless, given that the building would reflect the character and position of the immediately adjoining building, it would appear neither incongruous nor overbearing.
6. Consequently I conclude that the proposed development would not have a harmful effect on the character and appearance of the area or on the setting of No 49b. As such the proposal is consistent with the requirements of Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) (Core Strategy) and Policies DM1, DM4 and DM29 of the Waltham Forest Local Plan Development Management Policies 2013 (LPDMP).

Living conditions

7. The proposed building would be sited some 20m from the main rear wall of No 49b, which contains habitable windows. The Council has referred to separation distances set out in the Urban Design Supplementary Planning Document 2010 which suggests a distance of some 30m between 3 storey buildings in the interest of maintaining privacy. However, I note that these

¹ Appeal Ref: APP/U5930/W/15/3130815

standards are taken from an earlier document. The approach taken by the SPD is that the criteria will be applied flexibly, recognising that the objective of privacy can often be better secured through careful design rather than physical separation alone. Notwithstanding this, no objection to the proposal has been raised in terms of privacy and I have no reason to disagree. At second floor level, the kitchen window facing No 49b would be set back behind a terrace and would be screened by a louvred balustrade. Other rear habitable room windows would be set back a sufficient distance from both the house and its garden to avoid any undue loss of privacy.

8. It seems to me that, although three storeys in height, as a result of its roof form and set back at 2nd floor level, it would not be an excessively tall or bulky structure. Its height would be similar to that of 9-12 Blackberry Close and its scale would be considerably less. Given that it would be at a similar distance from No. 49b as 9-12 is from Manning House it would afford a similar outlook to occupiers of both properties. As No 49b itself has accommodation on three floors, I am satisfied that the neighbouring residents' outlook would not be unduly compromised by the development.
9. Consequently for these reasons I conclude that the proposed development would not have an adverse impact on the living conditions of the occupiers of No 49b, including on outlook from that property. As such, in this respect the proposal complies with Policy DM32 of the LPDMP which seeks to manage the impact of development on the occupiers and neighbours including by ensuring that outlook is maintained. In addition for the above reasons the proposal would maintain the health and wellbeing, such that relates to outlook, in accordance with Policies CS13 and CS15 of the Core Strategy.

Other Matter

10. Although not forming part of the reasons for refusal the Council has expressed concern in its statement about the provision of amenity space to the upper unit. That apartment would be provided with a terrace of some 7 sqm to the front of the building and one of 9 sqm to the rear. I have not been provided with any relevant policy in this respect and, whilst I agree that it would be limited for a three bedroomed dwelling in terms of its size, I am satisfied that the proposal would provide adequate space for sitting out.

Conditions and Conclusion

11. The Council has suggested certain conditions in the light of the appeal being allowed. In the interests of proper planning and to provide certainty, I have imposed the standard time limit condition and have specified the approved plans. In order to protect the character and appearance of the area, conditions requiring appropriate materials and landscaping are necessary.
12. For the above reasons and having regard to all other matters raised, the appeal is allowed and planning permission is granted subject to these conditions.

S Ashworth

INSPECTOR