
Appeal Decision

Site visit made on 10 October 2017

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2018

Appeal Ref: APP/U5930/W/17/3181328

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 171070, dated 23 March 2017, was refused by notice dated 21 June 2017.
 - The development proposed is demolition of existing garage and redevelopment into a block of two 3 bed four person maisonettes.
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Decision

1. The appeal is allowed and planning permission is granted for the 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: 171070, dated 23 March 2017 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, PM/01, PM/02, PM/03, PM/04 received by the Council on 23 March 2017.
 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.

Application for costs

2. An application for costs was made by Mr Maurice Richards against the Council of the London Borough of Waltham Forest. This application is the subject of a separate decision.

Main Issue

3. The main issue in this case is the impact of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

4. The appeal site forms part of the garden of 49b The Drive, a two-storey, semi-detached house with accommodation in its roofspace. It is proposed to demolish an existing dilapidated garage on the site and to replace it with a three-storey building containing two maisonettes. The proposed building would have a contemporary design and would appear as three storeys high when viewed from the front and two storeys, with a long pitched roof, from the rear. Access and parking space for two cars would be provided off Blackberry Close.
5. The area surrounding the site is a mature residential area comprising a mix of individual dwellings and flats of various designs and scales. The site is bordered by part of the long rear garden to the adjoining semi, No 49a The Drive, to one side and by 9 Blackberry Close, a three storey end-of-terrace dwelling to the other. The proposed dwelling would be seen from neighbouring buildings, particularly Nos 1-6 Blackberry Close which lie immediately opposite, as well as from some of the windows and gardens of neighbouring properties on The Drive.
6. 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 its Urban Design Supplementary Planning Document 2010 (SPD) which suggests a distance of some 20m between 2 storey buildings in the interest of maintaining privacy. There is no dispute between the parties that the proposal meets the guidance in the SPD and would not result in a loss of privacy to the occupiers of neighbouring houses. Nor is it considered that the proposal would result in a loss of daylight or sunlight. Nevertheless the Council is concerned that by reason of its bulk and position, the development would be oppressive when viewed from neighbouring properties.
7. The proposed dwelling would be set on a similar building line, at both the front and rear, to the adjacent terraced block Nos 9-12 Blackberry Close. Its height would be slightly lower than 9-12 Blackberry Close and its scale would be considerably less. Moreover, the eaves height of the development would be similar to the eaves height of both 9-12 and 49b. The form of the proposed roof would reflect that of No 49b when viewed from the rear, and in addition would ensure that the bulk of the second floor was not excessive.
8. Consequently, although three storeys in height, the development would not appear unusual or excessively tall or bulky in its context. Moreover, given the 20m distance from the rear of the property, it would not appear overbearing, and indeed would reflect the distance between the rear of the neighbouring flats at Manning House and 9-12 Blackberry Close.

9. I acknowledge that the proposed dwelling would be higher than a dwelling previously allowed on appeal¹. Nevertheless, given the distances involved and the context of the site adjacent to a building of substantial mass, there would be no material difference in terms of the effect of the development on outlook over the approved scheme. The development would be visible from surrounding properties on The Drive. However, for the above reasons and given that the angle of views would be oblique the development would not be oppressive to occupiers of those properties.
10. Consequently for these reasons I conclude that the proposed development would not have an adverse impact on the living conditions of the occupiers of neighbouring properties having particular regard to outlook. As such, in this respect the proposal complies with Policies DM29 and DM32 of the Waltham Forest Local Plan Development Management Policies 2013 which require a high quality design that responds to its context and addresses the potential impact of new development on neighbouring amenity including by ensuring that outlook is maintained. In addition for the above reasons the proposal would maintain health and wellbeing, such that relates to outlook, in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012.

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 a condition requiring appropriate materials is necessary. Although there is some landscaping shown on the application plans it appears to be indicative. Therefore a landscaping condition is necessary in order to protect the character and appearance of the area.
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

¹ Appeal Ref: APP/U5930/W/15/3130815