
Appeal Decision

Site visit made on 13 February 2018

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2018

Appeal Ref: APP/U5930/W/17/3181938

Garage site bounded by Fairmead Court and Lockhart Lodge, Gordon Road, Chingford, London E4 6DL

- 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 J. Williams against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 161318, dated 24 April 2016, was refused by notice dated 9 March 2017.
 - The development proposed is demolition of existing garages and proposed residential development consisting of five self-contained apartments (two x one bed and three x two bed).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development was amended following the submission of the planning application. The proposed development was altered from six to five self-contained flats, comprising two one bed roomed flats and three two bed roomed flats. Revised plans were submitted and the proposal was determined accordingly. I have amended the description of the proposed development and considered this appeal on the basis of the amended proposal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area with particular regard to streetscene;
 - The effect of the proposed development on the living conditions of the occupants of Fairmead Court with particular regard to outlook;
 - The effect of the proposed development on the living conditions of future occupants with particular regard to outlook and light; and,
 - Whether the proposed development would meet current and predicted housing needs of the area as a result of its housing mix.

Reasons

Character and appearance

4. The appeal site is a garage court and lies in a residential area close to the main high street and railway station in Chingford. It is located between two blocks of flats, Fairmead Court and Lockhart Lodge. Other blocks of flats are located on Gordon Road and there is no uniform style of design. There is a variety of size, shape, materials. A number of large houses are also present on Gordon Road and in the neighbouring streets.
5. The proposed development would involve the demolition of the garages and the erection of a three storey block of flats.
6. The proposed development would have a lower roof line than the two blocks of flats either side. It would sit forward within the plot and further forward than Lockhart Lodge which is set back beyond a grassed area. However, the proposed flats would project only marginally further forward than the corner building of Fairmead Court at ground floor level, and not as far forward as the existing garage block.
7. The proposal would introduce significant mass on to the site compared to the existing garages. However, when looking down Gordon Road towards Forest Road, the important views towards Epping Forest would be maintained as the proposed flats would generally sit within the building line of Fairmead Court. Because of its relationship to the forward building line of Fairmead Court, I consider that the proposed development would not look incongruous, overly dominant or appear harmful in the streetscene.
8. The proposed flats would incorporate *Juliet* balconies and safety railing. Each of the existing blocks of flats in Gordon Road has a different design and both Lockhart Lodge and the flats opposite include balconies. Whilst they are set back further from the road compared to the current proposal, they are significantly larger buildings. I consider that incorporation of the balconies and railings within the current proposal would not be harmful to the character and appearance of the area. I also consider that the proposed use of external surfacing materials would not be harmful to the character and appearance of the area, given the range of such materials used in the neighbouring blocks of flats.
9. Overall for the reasons set out above I consider that the proposed development would not have a harmful effect on the character and appearance of the area with regard to streetscene. I conclude that the proposed development would accord with Policy CS15 of the *Waltham Forest Local Plan Core Strategy* (the Core Strategy), which seeks to secure well designed, buildings, places and spaces; and Policy DM29 of the *Waltham Forest Development Management Policies Local Plan* (the DMP Local Plan) which sets out requirements for design principles, standards and local distinctiveness.

Living Conditions of the occupants of the Fairmead Court.

10. There are single aspect windows serving habitable rooms in Fairmead Court which overlook the appeal site. The Council's *Urban Design Guide Supplementary Planning Document* (the SPD) provides detailed guidance on the design of new buildings and I attach considerable weight to it. The SPD indicates that there should be a minimum distance between the window of

a habitable room and a blank flank wall, of 18m in the case of three storey buildings and I have no basis to consider this distance to be unreasonable. The Council has stated that the windows of Fairmead Court as shown on the submitted plans are not accurately depicted.

11. From my site visit I could see that there were three windows on the elevation directly overlooking the appeal site, one on each floor. They are off centre, rather than the central position shown on the submitted plans. Nevertheless, according to the figure on the submitted plans the distance between the elevation on Fairmead Court facing the appeal site and the nearest point of the elevation of the proposed development is around 9.7m. This separation distance is considerably less than the 18m minimum referred to in the SPD.
12. The elevation facing Fairmead Court would be broken up by fenestration, terraces and angles. It would not be a straight blank wall. However, I consider that the proposed development would appear unduly dominant and overbearing from within the single aspect rooms in Fairmead Court and the distance would be insufficient to ensure an acceptable degree of outlook. Indeed, even if I were to afford limited weight to the SPD, I consider this relationship would be unacceptable.
13. The appellant has submitted a daylight and sunlight assessment. This shows that the proposed development would have an impact on the levels of light in to the rooms in Fairmead Court. Although the report concludes there is a negligible impact overall on the levels of light in Fairmead Court, the impact on the ground floor would see a reduction in annual probable sunlight hours in winter from 25% to 15%. The appellant states that this is an acceptable impact within the BRE report, and the Council has not disputed this. I have no reason to doubt that this reduction would not be acceptable.
14. Accordingly, I conclude that there would be a significantly harmful impact on the living conditions of the occupants of Fairmead Court as a result of outlook, and the proposed development would be contrary to Policy DM32 of the DMP Local Plan which seeks to manage the impact of development on occupiers and neighbours. It would also be contrary to the SPD and to the fourth bullet point of paragraph 17 of the National Planning Policy Framework (the Framework) which identifies one of the planning principles as always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Living Conditions of future occupants

15. One of the bedrooms of the proposed block would have windows that are proposed to be obscurely glazed, and non-opening up to a height of 1.7m. This is one of the proposed one bedroomed flats at the rear of the block and such glazing would prevent potential for overlooking and loss of privacy. However, the effect of this would be a poor outlook from the bedroom. Whilst the lower floor of the flat would have clear glazed windows, this is the only bedroom within the flat and so its partly obscured nature would present a degree of harm to the living conditions for its occupants, contrary to Policy DM32 of the DMP Local Plan which seeks to manage the impact of development on occupiers and neighbours.

Housing needs

16. Policy DM5 of the DMP Local Plan seeks to secure a housing mix within developments and states that proposals will not generally be supported if they contain only smaller homes, which the policy defines as one and two bedrooms. The policy also seeks a mix of tenures. Its objective is to secure the provision of more family sized homes in the borough, in order to balance the housing stock and assist in meeting need.
17. Although the Council has provided no support for the approach in Policy DM5, it is nonetheless part of the adopted development plan. As such, proposals should be determined in accordance with this policy unless material considerations indicate otherwise, and no such considerations have been forthcoming from the appellant. This matter was not cited as a reason for refusal on similar proposals on the site, despite those schemes post-dating the adoption of the Local Plan. That though is not in itself a basis to lead me to different findings.
18. The proposal, in containing only one and two bedroomed properties, however would be contrary to Policy DM5 of the DMP Local Plan.

Other matters

19. Policy CS4 of the Core Strategy sets out the Council's approach to minimising and adapting to climate change. It seeks the incorporation of a number of measures. Policy DM10 of the DMP Local Plan seeks to achieve resource efficiency and high environmental standards, and Policy DM11 of the DMP Local Plan seeks to promote decentralised and renewable energy. Policy DM34 of the DMP Local Plan seeks to secure efficient use of water, ensure sufficient water infrastructure and manage flood risk.
20. No indication of the information which has not been supplied to accord with these policies has been provided by the Council and no such information has been submitted to me as evidence in this appeal. The appellant argues that much of this information can be dealt with through Building Regulations. The Council has suggested a condition to require further information to be submitted and approved prior to first occupation. If the appeal was to be allowed, I consider that such a condition could be imposed.
21. The submitted plans show that a bin store would be provided within the scheme. It is not dimensioned but is shown on a scaled plan. I consider that if the appeal was to be allowed, a condition could be imposed, as suggested by the Council, to require details of this facility to be submitted and approved in writing prior to the first occupation of the proposed dwellings to ensure compliance with Policy DM32 of the DMP Local Plan; and CS6 of the Core Strategy which seeks to promote sustainable waste management and recycling.

Conclusion

22. Whilst I have found that the proposed development would not be harmful to the character and appearance of the area with particular regard to streetscene, I have found that there would be a degree of harm to future occupants with regard to outlook as a result of the obscured glazing to the windows of one of the proposed bedrooms. I have also found that the proposed development would not accord with the Council's policy on housing mix.

23. Moreover, I have found that there would be significant harm to the outlook of the occupants of Fairmead Court as a result of the proposed development which would appear overbearing from the three habitable rooms within Fairmead Court, which face the site. I conclude that this harm would be so significant that it justifies dismissal of the appeal, notwithstanding the other considerations.
24. For the reasons above, and having considered all matters raised, I therefore conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR