
Appeal Decision

Site visit made on 9 April 2018

by B Bowker Mplan MRTPI

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

Decision date: 10th May 2018

Appeal Ref: APP/U5930/W/17/3181188
3 Cheltenham Road, Leyton E10 6EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Bobby Lipman against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 171971, dated 25 May 2017, was refused by notice dated 20 July 2017.
 - The development proposed is described as '*an outbuilding to be used for storage and a garage incidental to the use of the dwellinghouse at the property (existing)*'.
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding to be used for storage and a garage incidental to the use of the dwellinghouse at the property (existing), at 3 Cheltenham Road, Leyton E10 6EU, in accordance with the terms of the application Ref 171971, dated 25 May 2017, subject to the following condition:
 - 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: Location Plan, Plan Ref 1b, Plan Ref 2a, Plan Ref 3, Plan Ref 5.

Application for costs

2. An application for costs was made by Mr Bobby Lipman against the Council of the London Borough of Waltham Forest. This application is the subject of a separate Decision.

Preliminary Matter

3. Based on my site visit observations, it would appear that there is a discrepancy between the constructed elevation¹ of the outbuilding that faces towards Ely Road and the submitted plans. In the interests of clarity I have based my decision on the submitted plans.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

¹ The height of this constructed elevation appears to rise towards its mid-section.

Reasons

5. The single storey outbuilding would be located within the rear garden area of 3 Cheltenham Road, an end of terrace property occupied as a house in multiple occupation (Use Class C4²). A flat roof dormer extension to the rear of No 3 gives it the visual impression of a three storey building when viewed from the rear. The rear garden at No 3 and amenity areas at surrounding properties give the area a spacious character when viewed from Ely Road.
6. The Council state (not disputed) that the proposal, in combination with the dwellinghouse, exceeds 50% of the site curtilage and that the depth of the outbuilding is greater than that of No 3. However, owing to the three storey appearance of No 3 when viewed from the rear, the single storey outbuilding would be subordinate in scale and separated from the dwelling by an intervening garden area. Taking into account the size of the remaining garden area and the height of the outbuilding, the proposal would not represent an overdevelopment of the site. Furthermore, the use of red brick and a subordinate design ensure that the proposal would preserve the character and appearance of No 3.
7. During my site visit I saw that the outbuilding would be visible above the boundary wall and fence along Ely Road. However, as only a modest section would protrude above this boundary, the outbuilding would retain the spacious character prevalent to the rear of surrounding properties. Consequently the outbuilding would neither be an incongruous or dominant addition when viewed from the surrounding area and the garden area at No 3.
8. Reference is made to the proposal setting a negative precedent, the site history and I note that the appeal building has been subject to an enforcement appeal³. However, as the proposal submitted is for an outbuilding to be used for storage and a garage incidental to No 3, it has been determined on this basis. Therefore this decision would not prevent the Council in resisting rear garden private accommodation when substantive planning grounds exist. Moreover, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
9. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) is cited, yet no specific reference is made. However, with reference to my reasoning above, as the proposal would be sympathetic to the design of the existing property and maintain the character of the wider townscape, it would not offend the general design principles of the SPD.
10. Therefore the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of Local Plan Core Strategy Policy CS15 and Local Plan Development Management Policies DM4 and DM29 which seek to ensure that development is of the highest quality design that responds positively to local context, character, distinctiveness and the host building.

(continued overleaf)

² With reference to the 'planning statement' within the papers accompanying the appellant's appeal statement.

³ APP/U5930/C/16/3152847, decision date 9 February 2017.

Other Matters

11. As I have found no harm in respect of the main issue above, I have not had to pursue the fall-back position set out by the appellant.

Conclusion

12. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be allowed subject to the above noted conditions.

B Bowker

INSPECTOR