



Appeal Decision

Site visit made on 2 July 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/U5930/W/19/3227947

38 Hawkdene, London E4 7PF

- 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 and Mrs White against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 181391, originally dated 19 April 2018 with an amended application form submitted dated 27 June 2018, was refused by notice dated 10 December 2018.
 - The development proposed is the construction of a detached Garden Annexe to rear of garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application, dated 19 April 2018, described the proposed development as a "detached garden annexe to rear of the property" and was validated by the Council. However, the Council subsequently informed the appellant that the application had been validated in error, since (in its opinion) the proposed annexe would not be ancillary to the main house and so should be classed as a new residential unit. The Council advised the appellant that to progress the application, it would require the completion of a Full Planning Permission Form and the additional payment of £256.00. The appellant duly submitted the requested fee and form, on which the proposed development was described as "Detached Garden Annexe to rear of garden."
3. It is clear from the plans and various supporting statements submitted by the appellants that what is proposed is an ancillary residential outbuilding, intended to allow their elderly relative to live close to the family home while maintaining a degree of independence. Notwithstanding its approach to the original application and its concern that the outbuilding could function as an independent unit (a matter to which I shall return below), it is also clear that the Council determined the proposal on the basis that permission was sought for a residential annexe. I have determined the appeal on the same basis.
4. The first of the four reasons for refusal cited on the Council's decision notice was that the submitted plans were inconsistent, such that the Council could not fully assess whether the proposal complied with relevant policies. The Council has subsequently acknowledged that this assertion was incorrect, and that it had in fact been provided with a consistent set of plans. As such I have disregarded reason for refusal 1.

Main Issues

5. The main issues are firstly, the effect the proposed development would have on the character and appearance of the area and secondly, its effect on the living conditions of neighbouring occupiers, with particular regard to outlook.

Reasons

Character and appearance

6. Hawkdene and the surrounding area comprises mainly two-storey, short terraced rows and semi-detached dwellings. The properties have fairly well-defined building lines fronting the highway, and relatively deep rear gardens, many of which have outbuildings located within them. The appeal site consists of a two-storey end of terrace property, with a detached, single-storey outbuilding and two timber sheds at the end of its rear garden.
7. The proposed development would entail the demolition of the existing outbuildings and replacement with a single-storey flat-roofed building, having a footprint over two times that of the largest outbuilding. The new outbuilding would measure approximately 10.5 m x 4 m, with a height a little under 3m. The internal accommodation would consist of a bedroom, shower room, lounge and kitchen, and the external finish would be fibre cement cladding, coloured grey green. While the side walls would be set in a little from the garden boundaries, the perimeter of the roof would extend beyond these side walls, bringing the overall built form very close to the site boundaries, and creating the sense of a cramped form of development.
8. I saw at my site visit that there are numerous outbuildings, of varying size and design, within the rear gardens of surrounding properties. However, of those that the appellants have drawn to my attention, none are as large as the building proposed. Due to its size, the large glazed opening on one elevation and the finishing materials proposed, the outbuilding here proposed would have a distinctively different appearance to the outbuildings in other nearby gardens. With a footprint nearly as large as that of the main dwelling, and domestic detailing, its appearance would be closer to that of a self-contained residence than that of a subsidiary outbuilding. In addition, given the distance of the building from the host dwelling, the proposal would be more akin to an independent building rather than reading as an ancillary outbuilding. Due to the factors described, the proposal would be an incongruous and visually harmful addition to the existing pattern of development.
9. As noted above the purpose of the outbuilding is to provide additional accommodation connected to the residential use and occupation of the main dwelling, and were planning permission to be granted, this ancillary relationship could be secured by the imposition of an appropriately worded condition. However, while such a condition would prevent any future use of the building as an independent dwelling, it would not address the visual harm that I have identified above.
10. Consequently, I consider that the proposed development would be out of keeping with, and detrimental to, the character and appearance of the area. As such it would not accord with Policy DM29 of the *London Borough of Waltham Forest Development Management Policies Local Plan 2013* (WFLP) or Policy CS15 of the *Waltham Forest Local Plan Core Strategy 2012* (WFCS) which,

amongst other things, require new development to be of the highest quality in respect of urban design, to respond positively to local context, and to reinforce or enhance local character, taking account of patterns of development and their context in respect of density, scale and height.

Living conditions of neighbouring occupiers

11. While I note that the occupants of No. 40 have not objected to the proposal, I consider that the close proximity of the proposed outbuilding to the boundary of No. 40, with a flat-roof area of approximately 40 sqm and a side elevation nearly 3 m high, would be overbearing in relation to the outdoor decking area at the rear of the garden and detrimental to the outlook from the property and the garden. Consequently, the living conditions of existing occupiers of No. 40 would be unacceptably harmed.
12. This would conflict with the aims of Policy DM32 of the WFLP which seeks to ensure that, amongst other things, new development maintains the outlook and privacy levels of occupants of existing neighbouring properties in respect of their homes and gardens.

Other Matters

13. The Council's fourth reason for refusal was that the proposed development would result in an unsatisfactory living environment for future occupiers, failing to meet the Government's *Technical Housing Standards – Nationally Described Space Standards*. However, those standards apply to new dwellings; the development here proposed is not a new dwelling, but rather an annexe providing ancillary accommodation to serve an existing dwelling. I am satisfied that for use for that purpose, the living environment provided by the main dwelling and garden annexe would be more than adequate.
14. The appellants consider that the Council's appraisal of this development proposal conflicts with its strategic document *Older Person's Housing Strategy 2015-2020* (OPHS). The Council has responded to this assertion by stating that OPHS relates to the inclusion of specialised care units within developments, which this proposal would not provide. It is my view that, although the OPHS has an emphasis on specialist accommodation, it isn't only concerned with accommodation for older people of a specialist nature. Rather, it is concerned with the supply of all types of new homes suitable for older people, including general needs housing. The development here proposed is intended specifically to meet the accommodation needs of the appellants' elderly parent, and I consider that to be a material consideration of some weight.

Conclusions

15. While I appreciate that the social and economic benefits of providing a form of accommodation that would meet the needs of an elderly person carry some weight, I do not consider that sufficient in this case to outweigh the significant harm that would be caused to the character and appearance of the area, and to living conditions at No. 40 Hawkdene. I therefore conclude that the appeal should be dismissed.

J Williamson

INSPECTOR