
Appeal Decision

Site visit made on 2 September 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2019

Appeal Ref: APP/U5930/W/19/3227437

1 East Avenue, Walthamstow E17 9NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Andy Woods against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref: 183564, dated 5 October 2018, was refused by notice dated 28 January 2019.
 - The development proposed is a single storey outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Reason for refusal one of the Council's decision notice relates to certificate of ownership B on the application form. Having regard to the Town and Country Planning (Development Management Procedure) (England) Order (2015), evidence has been provided which suggests that the appellant is the sole owner of the land to which the application relates, with no agricultural tenants. Be that as it may, the matter of ownership certification is not determinative.
3. Reason for refusal two refers to inconsistent plans with insufficient detailing. Amended drawings have been submitted to the appeal by the appellant. The Council has had opportunity to comment, and I consider that the amended drawings would not alter the substance of the matters under consideration to an extent that their admission would be prejudicial. Accordingly, I assess the proposal as illustrated in the following amended drawings: P427-00-Revision A Location and Block Plans; P427-01-Rev A Existing and Proposed Site Plan; P427-02-Rev A Proposed Front and Rear Elevations; P427-03-Rev A Proposed Left, Right Elevation and 3D View; P427-04-Rev A Proposed Ground Floor and Roof Plan.

Main Issue

4. Taking into account the above, the main issue is whether the proposed development would preserve or enhance the character and appearance of the Orford Road Conservation Area (the CA), including its effect on trees.

Reasons

5. The appeal site comprises the rear garden of a three-storey, semi-detached property which is split into two flats. The site lies in a predominantly residential area, within the CA.
6. The CA covers an area of Walthamstow along Orford Road and streets leading off it. The CA's significance lies in its mix of predominantly Victorian properties, laid out around a loose grid of connecting roads and footpaths. Trees, including those on private land, contribute to the greenery of the area. The appeal site forms the southern end of a run of properties on the western side of East Avenue, whose traditional residential character derives from its combination of attractive Victorian dwellings with fairly spacious rectangular rear gardens. Through adding to the traditional Victorian residential character of the street, the appeal site therefore contributes positively to the significance of the CA.
7. The proposal is for a single storey cedar-clad outbuilding in the rear part of the garden. As well as being visible from the rear of the host building, the proposed outbuilding would be visible from first and second-floor windows of residential properties on three sides. Furthermore, I saw during my site visit that the expanse of flat roof and the higher parts of the proposed outbuilding would be clearly visible from the busy public 'node' at the crossroads of East Avenue, Orford Road and Wingfield Road, above intervening garages and boundaries and between trees on and off site. The above factors together would make the proposed outbuilding noticeable within the CA.
8. Whilst its roof would taper up in height away from the direction of Orford Road, the proposed outbuilding would be approximately 3.75m tall at its highest point, and would occupy much of the width of the end part of the garden. As such, it would be a recognisable step-up in scale, height and appearance from a garden shed, seen from the viewpoints described above. Moreover, the proposal would introduce a substantial modern outbuilding of somewhat 'alpine' appearance to the rear garden, which would erode the spaciousness of the garden and the backland area, and would be discordant with the distinctive Victorian character of the area. These factors, in combination, lead me to find that the proposal would appear incongruous and obtrusive to the character of the CA.
9. The appellant's argument is that the site's rear garden makes little contribution to the area other than denoting the extent of the Victorian property boundary, the line of which would not change. It is also suggested that the proposed timber clad outbuilding would not appear unsympathetic in its garden setting with trees. It is acknowledged that the proposed outbuilding would be subordinate in size to the host building. However, the proposal would be discordant with the character and appearance of the CA for the reasons described above. I also consider that the less picturesque appearance of some more modern development in the area would not override the importance of new development being sympathetic to its heritage context.
10. My attention is drawn to another outbuilding in the area, on the northern side of Orford Road. However, full details of the other case are not before me, and I therefore cannot determine whether the circumstances are analogous to the appeal proposal. Moreover, the proposal has its own setting and, as such, I assess it on its own merits.

11. Regarding protection of trees on and overhanging the site, the main parties broadly agree that suitable implementation of the Arboricultural Method Statement would be capable of being secured through planning condition, were the appeal to be allowed. I accept this analysis, and tree matters are therefore a neutral factor in my assessment. As such, the proposal would not conflict with Policy DM35 of the Waltham Forest Development Management Policies (2013) (DMP), which seeks to ensure, amongst other things, that development protects trees.
12. The identified harm arising from the proposal would be significant, relative to the site and the immediate surroundings of the proposal in the CA. However, the effect would be localised and therefore would constitute less than substantial harm to the significance of the CA as a whole. In such circumstances I therefore necessarily weigh the harm against the public benefits of the proposal.
13. With regard to the above, the proposal would provide additional accommodation for the appellant's work and social use. However, the public benefits in that respect are limited by the scale of the development proposed. Consequently, the public benefits do not outweigh the great weight given to the conservation of CA and the less than substantial harm to its significance which I have identified.
14. To conclude, the proposed development would fail to preserve or enhance the character and appearance of the CA. It would therefore conflict with Policy CS15 of the Waltham Forest Core Strategy (2012) and Policies DM28 and DM29 of the DMP. Together the policies seek, amongst other things, to ensure that development is of appropriate design and appearance to conserve or enhance local character and the historic environment. The policies are broadly consistent with the approach of the Framework in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Other Matters

15. Policies DM4, DM30 and DM32 of the DMP do not specifically address character, appearance and historic environment matters in relation to the type of development proposed, and so are not engaged in this case.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR