



Appeal Decision

Site visit made on 20 September 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/U5930/W/19/3232402

Land adjacent 2 Willow Street, Chingford E4 7EG

- 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 T Hamit against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 190772, dated 20 February 2019, was refused by notice dated 17 June 2019.
 - The development proposed is described as, 'demolition of existing garages at Thaxton Place alongside No 2 Willow Street and erection of single block comprising 4x one-bed two-person dwellings together with communal and private amenity space, cycle storage and refuse provision'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. While I note the applicant company name on the application form, since it is prefixed by 'c/o' I have omitted this reference in the interests of clarity.
3. I note the list of drawings on the decision notice which appear to be incomplete. However, the Council has confirmed that they determined the application on the basis of the list of plans referred to by the appellant in their statement and which are before me. I have made my assessment based on these drawings.

Main Issues

4. While there are five reasons for refusal, from the evidence before me, the main issues are:
 - the effect of the proposed development on the living conditions of the occupiers at No 2 Willow Street (No 2) with particular regard to outlook, light and privacy;
 - whether the proposed development would provide a suitable living environment for future occupiers with particular regard to external amenity space;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide suitable refuse and recycling facilities.

Reasons

Living conditions

5. The scheme would introduce a building with a two-storey height along the boundary with No 2. While there are few two storey buildings in close proximity to the rear of No 2, since the separation distance between the proposed building and the rear of No 2 would be modest, along with the height of the proposed building along the shared boundary, the proposal would result in an overbearing and oppressive effect for the occupiers of No 2 not only from the rear windows, but also from the garden which is modest in size.
6. While the location plan indicates that No 2 is unaltered, from the wider evidence and my observations during the site visit, this building has a two-storey rear extension. Therefore, from the evidence before me, the separation distance between the proposed building and No 2 would be much less than the proposal subject of the 2002 appeal. Consequently, I give limited weight to the Inspector's comments in this particular regard.
7. Turning my attention to privacy, No 2 shares a boundary with the appeal site. The proposed windows of the bedroom of Flat 3 would be set an oblique angle such that the occupiers of No2 would not be unduly overlooked from this window. While the window to the living room of flat 3 would have a less oblique angle, since this room is dual aspect, a condition could be reasonably attached to require that the window be obscured such that the privacy of future occupiers or the occupiers of No 2 would not be adversely affected.
8. With regard to overshadowing, the proposed building would be located to the north of No 2 and would not be directly opposite the dwelling. Moreover, the rear of this property would continue to receive adequate daylight from other directions. Therefore, there would not be undue adverse effects on the occupiers of No 2 in terms of light.
9. Consequently, the proposed development would harm the living conditions of the occupiers of No 2 with particular regard to outlook. Therefore, it would conflict with Policy DM32 of the Development Management Policies Local Plan Adopted October 2013 (DMP) which requires that outlook is maintained for neighbours in their homes and gardens. It would also conflict with Policy CS13 of the Waltham Local Forest Plan Core Strategy Adopted March 2012 (CS) which among other things requires that satisfactory amenity is provided for surrounding occupiers. In addition, it would also conflict with the Urban Design Supplementary Planning Document Adopted February 2010 (SPD) and with paragraph 127 of the National Planning Policy Framework (Framework) in this regard.

Living environment

10. The appeal scheme would replace single storey garages with a two-storey block of four flats. The two flats on the first floor would have a balcony each. Both balconies fall short of the required size of 5sqm as stated in DMP Policy DM7. Given the size and irregular shape of the balcony of Flat 3, its usability would be limited. While the overall size of the ground floor external amenity space would exceed the requirement of DMP Policy DM7, the space would be an irregular shape that would significantly reduce the usable area resulting in a communal space that would not be suitable for all the occupants of the proposed building.

11. While the size of the balcony of Flat 4 would also fall short of the requirements, the shortfall is minor and given the size and shape of the balcony it would be usable given the limited number of future occupiers. However, the lack of harm in this particular respect would not override the adverse effects identified above.
12. While there is an open public park near the appeal site, given the near total reliance on the park for access to outdoor amenity space, this would not fully compensate for the inadequate private amenity space provision proposed.
13. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard to external amenity space. Therefore, it would conflict with CS Policy CS13 which among other things requires that satisfactory amenity is provided for future occupiers. It would also conflict with DMP Policy DM7 which among other things seeks external amenity space that is well designed, appropriately located and usable. The proposal would also conflict with CS Policy CS15 which among other things seeks high quality functional developments and with paragraph 127 of the National Planning Policy Framework (Framework) in this regard.
14. I note the Council has cited DMP Policy DM23 in the reason for refusal which relates to health and well being but does not refer to external amenity space. Other than a reference to the SPD, DMP Policy DM32 does not specifically refer to external amenity space. While I have had regard to these Policies, they have not been determinative in my findings for this main issue.

Character and appearance

15. Willow Street primarily comprises two and three storey terraced dwellings where as Station Road has a mix of commercial uses at ground floor with residential units above. The site is located behind the junction of Willow Street with Station Road and given the mix of architectural styles and uses, the area has a varied character and appearance.
16. The appeal scheme would replace single storey garages with a two storey block of flats and would occupy a roughly triangular shaped plot behind Station Road and between Willow Street and Buxton Road. While the proposed block of flats would not be in keeping with the surrounding terraces in terms of the pattern of development, it would be similar in height to the surrounding buildings. Given the location of the site and that the footprint of the surrounding buildings particularly along Station Road occupy large parts of their plots, the proposed scheme would not appear overly large or overdeveloped in the context of the area. While the additional mass would be apparent from neighbouring properties, given the height, mass and proximity of nearby buildings, it would not appear out of place in this regard.
17. I note that part of the proposal has an odd footprint. However, since this aspect would apply to a small portion of the overall footprint and given the appearance of the proposal as a whole, this would not disrupt the appearance of the building to an extent that it would cause adverse effects on the character and appearance of the area.
18. While I acknowledge that the local architecture is predominantly traditional in style, there are a number of modern examples in the vicinity of the appeal site such that the proposal would not be discordant in this regard. Given the varied

use of materials on the buildings in the area, the proposed materials would not be incongruous in this respect.

19. A proposal for a new residential property was granted planning permission at appeal in 2002¹. However, while some time has passed since that decision and that proposal was assessed under a different development plan that pre-dated the Framework, the comments regarding character and appearance remain relevant and I have taken them into account in this particular respect. However, from the evidence before me that permission was not begun within 5 years of the date of that permission therefore it does not represent a fall-back position.
20. Consequently, the proposed development would not harm the character and appearance of the area. Therefore, it would not conflict with CS Policies CS2 and CS15 in this regard which among other things requires high quality design from all new housing development and seeks new development that responds positively to the local context and character. It would also not conflict with DMP Policy DM29 in this regard which among other things seeks development that responds to their context in terms of scale, height and massing. It would also not conflict with the SPD or with the Framework in this respect.
21. DMP Policy DM32 relates to the impact of development on future and neighbouring occupiers and CS Policy CS13 relates to health and well being and are therefore not directly relevant to this main issue.

Refuse and recycling

22. The refuse and recycling bins would be located in a dedicated area within the appeal site. While this would be some distance from the public highway, from the evidence before me, this situation exists for the nearby commercial and residential properties along Station Road. A suitably worded condition along the lines of the suggested condition regarding a Refuse Management Plan could be reasonably imposed to mitigate any harm that may arise from the distance between the highway and refuse area.
23. Consequently, the proposed development would provide suitable refuse and recycling facilities. Therefore, it would not conflict with CS Policies CS2 and CS15 in this regard which together among other things requires high quality design from all new housing development. It would also not conflict with DMP Policy DM32 in this regard which among other things seeks development that ensures the provision of facilities for the storage, collection and disposal of refuse.

Other Matters

24. While I note concerns regarding the service provided by the Council, this has not altered my overall decision.

Conclusion

25. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR

¹ Appeal ref: APP/U5930/A/02/1088197