



Appeal Decision

Site visit made on 5 November 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/U5930/W/19/3235443

54-56 Westward Road, Chingford, London E4 8LX

- 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 Michel Antat against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 183946, dated 21 November 2018, was refused by notice dated 15 February 2019.
 - The development proposed is construction of first floor rear extension to provide an additional 1 x 2 bedroom residential flat. Creation of 1 car parking space at rear (with access from Burley Close).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the host building and the surrounding area.
 - The effect of the proposed development on the living conditions of the occupiers of No 58 Westward Road, with particular regard to outlook and natural light.
 - Whether the proposed development would provide an acceptable standard of living accommodation for future occupiers, with particular regard to internal space standards and outdoor amenity space.

Reasons

Character and appearance

3. The appeal property is a detached building comprising 3 flats, which is located in an established residential area. It is designed with a pitched roof and gabled side walls. A single storey flat-roofed extension projects to the rear.
4. The proposed first floor rear extension would be positioned above the existing single storey rear extension and would cover the full width of the building. Whilst the eaves of the proposed extension would match the eaves line of the main roof, its roof would protrude above the plane of the existing roof at a shallower pitch. The combined effect of the width, depth and increased height of the roof plane would create a bulky appearance that would not appear

- subordinate to the host building. Furthermore, the shallow roof pitch of the proposed extension would fail to respect the form and proportions of the existing roof and therefore it would not integrate satisfactorily with the design and appearance of the host building.
5. Whilst there would be limited views of the proposed development in Westward Road, it would be visible from Burley Close to the rear of the appeal site and would also be seen from the windows and gardens of neighbouring properties. In any event, the lack of visibility from Westward Road does not obviate the need to achieve good design.
 6. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the host building and the surrounding area. The proposal would therefore be contrary to Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 ('LPCS') and Policies DM4 and DM29 of Waltham Forest Development Management Policies Local Plan 2013 ('DMP'), which, amongst other things, seek a high standard of urban and architectural design for all new development and residential extensions that relate to the original host building and respect the character of the area.
 7. The Council has cited Policy CS13 of the LPCS in the first reason for refusal, however this policy relates to promoting health and wellbeing and I do not consider that it is relevant to the Council's objection in respect of character and appearance.

Living conditions of No 58 Westward Road

8. Drawing No 54/WR/PL01 Rev A indicates that the proposed first floor rear extension would infringe the 45 degree line measured from the nearest first floor rear habitable window of No 58 Westward Road. Nevertheless, given the first floor position of the neighbouring window, I consider that the proposed development would not cause a significant loss of daylight or sunlight to the habitable room. Furthermore, whilst the proposed extension would be visible from the window, it would not cause a significant loss of outlook or unacceptable sense of enclosure to the habitable room.
9. The proposed development would extend a modest distance beyond the ground floor windows in the rear elevation of the neighbouring single storey rear extension. Consequently, it would not cause a significant loss of daylight, sunlight or outlook to the ground floor habitable accommodation of No 58. Moreover, the proposed extension would not cause excessive overshadowing of the neighbouring garden and it would not have an overbearing relationship with the outdoor space.
10. For the above reasons, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of No 58 Westward Road. The proposal would therefore accord with Policies DM29 and DM32 of the DMP, which, amongst other things, state that new development should ensure that daylight/sunlight, outlook and privacy is maintained for existing occupants and their neighbours in their homes and gardens.
11. The Council has referred to Policy CS15 of the LPCS in the second reason for refusal, however this policy relates to achieving high quality design and I do not consider that they are directly relevant to the Council's objection in respect of neighbouring amenity.

Standard of living accommodation

12. Policy DM7 of the DMP sets out minimum internal space standards for new residential development, which have been replaced by the nationally described space standard¹ (NDSS). Drawing No 54/WR/PL01 Rev A shows that the proposed first floor flats would each provide a double bedroom and a single bedroom. The units would therefore be 2 bed (3 person) dwellings for the purposes of the internal space standards.
13. Table 1 of the NDSS states that a 2 bed (3 person) single storey dwelling should have a gross internal area (GIA) of 61sqm. A single bedroom should have a minimum area of 7.5sqm and a double bedroom should have a minimum area of 11.5sqm.
14. The annotation on drawing No 54/WR/PL01 Rev A states that Flat C would have an area of 43.3sqm and Flat D would have an area of 46.5sqm, which would be significantly below the minimum space standard of 61sqm. The appellant has not disputed the floor area calculations set out in the officer's report and the Council's appeal statement, which show that the respective gross internal floor areas; double bedrooms; and single bedrooms of the proposed first floor flats would be considerably below the minimum internal space standards for a 2 bed (3 person) unit set out in the NDSS.
15. Consequently, the proposed development would not provide comfortable living space for circulation, furniture, storage and day-to-day living activities. The proposed accommodation would feel cramped and would not provide a high quality living environment. This would be exacerbated by the lack of any outdoor amenity space for the proposed development.
16. I therefore conclude that the proposed development would fail to provide an acceptable standard of living accommodation for future occupiers. The proposal would therefore be contrary to Policy CS15 of the LPCS and Policy DM7 of the DMP, which, amongst other things, seek functional developments and high quality living environments.

Other Matters

17. The proposed development would provide a small amount of additional housing, which would have modest social and economic benefits. However, these considerations do not outweigh the harm that I have identified above.
18. I have had regard to the representations from local residents which, in addition to the above main issues, raise concerns in relation to car parking; smells; noise; and loss of privacy. However, as I find the proposed development unacceptable for other reasons, these considerations would not alter my decision.

Conclusion

19. I have found that the proposed development would not cause significant harm to the living conditions of the occupiers of No 58 Westward Road. However, it would be harmful to the character and appearance of the host building and the surrounding area. Furthermore, the proposed development would fail to provide an acceptable standard of living accommodation for future occupiers.

¹ Technical housing standards – nationally described space standard March 2015

These are sufficient reasons to dismiss the appeal. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR