



Appeal Decision

Site visit made on 24 September 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/U5930/W/19/3229507

178 Waltham Way, Chingford E4 8AZ

- 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 Mrs Achileos against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 183867, dated 19 November 2018, was refused by notice dated 12 March 2019.
 - The development proposed is construction of 1 x 2bed 3 person home to the side of 178 Waltham Way.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 1 x 2bed 3 person home to the side of 178 Waltham Way at 178 Waltham Way, Chingford E4 8AZ in accordance with the terms of the application, Ref 183867, dated 19 November 2018 subject to the conditions set out in the attached schedule.

Application for costs

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

Main Issues

3. The main issues in this appeal are:
 - i) the effect of the proposed development on the character and appearance of the site and area; and
 - ii) whether or not the proposed development would provide suitable living conditions for existing and future occupiers on the site.

Reasons

Character and Appearance

4. The appeal dwelling faces Waltham Way on a corner site at the junction of Brindwood Road with Waltham Way. A relatively large garden wraps around the side and rear of the dwelling and at the rear of this is an outbuilding and carport located adjacent to the boundary with the neighbour at 92 Brindwood Road. This part of Waltham Way is typically characterised by two-storey terraced dwellings, although there are also some bungalows present and roof designs and materials are mixed. Nevertheless, two-storey bay features are common to the front elevations of many of the dwellings, and a number,

- including the dwelling on the appeal site, incorporate distinctive octagonal turret roofs.
5. Groups of properties are generally set on a strong building line behind front gardens facing the street, and together with the wide verge to the highway this results in an attractive spaciousness to the street scene. Gardens to the rear of dwellings vary in their depth and this is evident in views across corner plots. The spacing between buildings, and the widths of dwellings and the runs of terraces also varies. However, there remains a sense that dwellings are part of a coherent whole as a consequence of the regular front building lines and common design features within the street scene.
 6. Policies CS2, CS15 and CS16 of the Waltham Forest Local Plan Core Strategy 2012 (CS) and Policies DM 4 and DM29 of the Waltham Forest Local Plan Development Management Policies 2013 (DMP) are particularly relevant to new residential development. These require, amongst other things, high quality architecture and urban design which responds positively to local character and which promotes local distinctiveness and sense of place. Where residential extensions and alterations are proposed, these should relate to the host building and respect the street scene and character of the area.
 7. The Council have also referred to the Waltham Forest Design Charter Principles for Well-Designed Homes and the Urban Design Supplementary Planning Document 2010 (UDSPD). While not part of the development plan, these broadly seek development that integrates with its surroundings.
 8. The proposal would significantly extend the width of built form on the site, and the ridge line of the roof to No. 178. I agree with the Council that the resulting development would have the scale and appearance of an additional dwelling at the end of the terrace. However, there is no consistency in the width of other dwellings or runs of terraces in the area and I saw a number of examples of infill developments of additional dwellings on corner plots nearby.
 9. The plans illustrate subdivision of the frontage of the site to create two accesses with boundary hedging and therefore it would appear as a separate dwelling rather than an extension. While the proposed dwelling would be accessed from the side, this would reflect the arrangement of the dwellings at both 78 and 93 Leadale Avenue nearby which adjoin dwellings fronting Waltham Way.
 10. I have found no reference within the development plan or supplementary guidance to suggest a requirement for development that would clearly be read as an additional dwelling to be subordinate to No. 178. The proposed dwelling would be well proportioned in itself, and in view of the context of the site I find that the proposal would integrate well with its surroundings and would not result in a jarring or obtrusive feature in the street scenes of either Waltham Way or Brindwood Road.
 11. The development would not project forward of the established building line to Waltham Way, and significant space would be retained to the frontage of the site appropriate to the characteristic openness of the street scene. I accept that the flank of the proposed dwelling would be positioned forward of the front elevations of neighbours on Brindwood Road to the rear of the site. However, there are similar relationships between dwellings on a number of corner plots on Waltham Way, including at the junctions of Heriot Avenue, Leadale Avenue

and Priory Avenue in close proximity to the appeal site where in some cases there is two-storey development up to the site boundaries. In contrast, the proposed dwelling would be set in from the boundary at first floor level, and the relationship of the proposed development with the building line on Brindwood Road would not appear incongruous or unduly prominent.

12. While dwellings at junctions may historically have been set on larger plots, this is no longer a distinguishing feature of the area in the vicinity of the appeal site, particularly in light of modern infill developments which have occurred. I acknowledge that the plot to serve the proposed dwelling would be relatively small. However, the depth would reflect that of the host dwelling, and it would be broadly comparable in overall size to others which are apparent in the area.
13. Moreover, the set back of the dwelling from the street and its design with single storey sections to the flank which would remain set in from the boundary, together with the hipped roof form set below the ridge line of No. 178 would provide for an appreciable sense of spaciousness around the dwelling. Accordingly, it would not appear cramped or excessive on the site.
14. The distinctive bay feature with octagonal turret roof to No. 178 would be retained, and the set back of the proposed dwelling from the adjacent front elevation at first floor level means this would remain a prominent feature to this part of the street. Varied single-storey projections are common in the area, including to 176 Waltham Way opposite the site, and the inclusion of the single-storey section to the front and side of the dwelling would not therefore be a remarkable or discordant feature. It's scale would also be subordinate to the main dwelling. Finally, the use of matching materials and fenestration, and inclusion of the ground floor bay detail would add visual interest to the dwelling whilst remaining sympathetic to the key features of the area's character.
15. I therefore conclude on this main issue that the proposal would not harm the character or appearance of the appeal site or area. Given this, I find no conflict with Policies CS2, CS15 and CS16 of the CS or Policies DM 4 and DM29 of the DMP. The Council's reasons for refusal refer additionally to CS Policy CS16 and DMP Policy DM33. However, these relate to measures to improve community safety and cohesion, and seem to me to be of limited relevance here.

Living Conditions

16. CS Policies CS13 and CS15 and DMP Policies DM 7 and DM32 seek to provide attractive and functional developments and ensure suitable living conditions for occupiers including through the achievement of minimum standards for internal and external amenity space and provision for the storage, collection and disposal of refuse. The Waltham Forest Design Charter Principles for Well-Designed Homes also refers to provision of good quality internal layouts and gardens and private spaces, and to achieving long term quality for residents.
17. The proposed dwelling would exceed minimum requirements for internal space and the shape and layout of rooms would offer functional and usable areas. The arrangement of the proposed dwelling with the main bathroom at ground floor level may be unusual, but I have not been directed to any policy requirement to indicate that this would be an issue and I am unclear how this would have any material impact on the living conditions of future occupiers. To the contrary, this arrangement would seem to me to be a potential benefit in facilitating occupation of the dwelling by residents with restricted mobility.

Given this, I see no reason that the proposed dwelling would offer cramped or inflexible accommodation for future occupiers.

18. I acknowledge that the path between the main entrance of the dwelling and the proposed bin store to the frontage would be relatively narrow. However, the width would not be so constrained as to make it impassable. Furthermore, space available to the side and rear of the dwelling would offer an alternative location to accommodate storage in future should an occupier be unable to navigate this path. Consequently, the external access arrangement would not unacceptably impair the living conditions of future occupiers.
19. Turning to the provision of external amenity space, there is disagreement between the main parties over the quantum provided for both the proposed dwelling and No. 178 and therefore whether the requirements within DMP Policy DM 7 for provision of 50sqm and 60sqm respectively would be met.
20. However, paragraph 8.7 of the DMP advises that these external space standards will be considered on a site by site basis and that the Council will take a flexible approach to their application, considering factors such as access to facilities including parks and green spaces, the character of the site and surrounding area and the size of the site and constraints. It is therefore apparent that the requirements within Policy DM 7 are not an absolute requirement that the application of the policy is conditional on.
21. The resulting gardens would be comparable in scale and layout to some others evident within the surrounding area, including on the corner plots adjacent to 192 and 194 Waltham Way. I also note that there are two parks within walking distance of the site which would offer an alternative resource for occupiers. In my view, a flexible approach to the standards within Policy DM 7 would thus be appropriate in accordance with the criteria noted within paragraph 8.7.
22. Additionally, while part of the intended amenity space for No. 178 would be to the rear of the plot serving the proposed dwelling, this section would not be so narrow or awkwardly shaped as to be unusable. The shape and layout of the space available to serve both dwellings would provide functional and usable areas, and would be adequate to accommodate activities such as sitting out, children's play and drying washing. The spaces would be well-related to the dwellings that they would serve, and would therefore offer space fit to meet the needs of occupiers. As such, even if there were a shortfall in the quantum of the space provided of the scale suggested by the Council, this would not have a meaningful effect on the use or enjoyment of the proposed amenity spaces, or cause unacceptable harm to the living conditions of the occupiers of either No. 178 or the proposed dwelling.
23. I therefore conclude that there would be suitable living conditions for existing and future occupiers of the development. In this respect, I find no conflict with CS Policies CS13 and CS15 or DMP Policies DM 7 and DM32. The Council have also referred to DMP Policy DM16, but this relates to the provision and management of parking and seems of limited relevance here.

Other Matters

24. I have taken into account comments made by third parties, including concerns raised over loss of light and therefore property values, congestion and highway safety, disruption during construction and that the proposal may encourage

future development on other sites. However, as a result of the scale of the development and spacing provided to neighbouring properties there would be no significant impact on light available to surrounding occupiers and any effects during the construction period would be short-term and could be mitigated by careful construction management. There is no firm evidence to suggest that the proposal would affect traffic to any significant degree or have an adverse impact on safety, and given my findings above, I can see no reason why the proposal would lead to harmful development on other sites nearby.

Conditions

25. I have considered the Council's suggested conditions. Where necessary, I have altered these for clarity and to ensure compliance with the relevant tests. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. In the interests of safeguarding the living conditions of neighbouring occupiers and to ensure highway safety, I have attached a condition requiring the submission of a Construction Logistics Plan. A condition to require accessible and adaptable dwellings is also necessary in the interests of the living conditions of future occupiers of the proposed dwelling.
26. The plans indicate that development would be finished in materials to match No. 178 which would be appropriate in the context. While I have imposed a condition to require the use of materials to match, I am not therefore convinced that the submission of samples as the Council have suggested is necessary. The Council have also suggested a condition to require obscure glazing to first-floor windows at the rear of the proposed dwelling. However, given the relationship of the development with neighbours to the rear of the site, I disagree that obscure glazing would be necessary to prevent overlooking or loss of privacy. With regard to the suggested condition requiring implementation of sustainable drainage details and agreed management and maintenance, beyond the provision of permeable hard surfacing which is shown on the approved plans, I have found no additional particulars of detailed proposals for drainage to justify the suggested condition. I have not therefore imposed these conditions.
27. Finally, the Council have suggested a condition which would remove permitted development rights. I am mindful that paragraph 53 of the Framework states planning conditions should only restrict national permitted development rights where there is clear justification to do so. Given the location of the proposed dwelling and its relationship with its plot, I agree that a condition to prevent the construction of extensions or outbuildings is necessary in the interests of the character and appearance of the area and to ensure amenity space is maintained for future occupiers. However, I see no cause to restrict construction or provision of a porch or to restrict rights pertaining to the existing dwelling, and I have amended the suggested condition accordingly.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 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: Site Location Plan, 002, 003 Rev A, 004 Rev A, 005 Rev A and 006 Rev A.
- 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match the existing dwelling at 178 Waltham Way in accordance with the details shown on plan no 006 Rev A.
- 4) No development shall take place until a Construction Logistics Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
 - i) Details of construction traffic access to the site and movements including travel and traffic routes to and from the site and any temporary traffic arrangements or restrictions;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development; and
 - iv) delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be retained as such thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement, addition or other alteration, as defined within Classes A, B or E of Part 1 of Schedule 2 of the Order shall be carried out to the dwelling hereby permitted adjacent to 178 Waltham Way.