

Appeal Decision

Site visit made on 19 November 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/U5930/W/19/3236592

Stowbridge Apartments, 823 Lea Bridge Road, London E17 9DS

- 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 KLM Property Ltd against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 190366, dated 31 January 2019, was refused by notice dated 23 August 2019.
 - The development proposed has been described as the construction of one additional storey.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the existing building and the surrounding area;
 - The living conditions of the occupiers of flats 25 and 32 at 857 Lea Bridge Road, with particular regard to outlook, daylight and sense of enclosure;
 - The living conditions of the future occupiers of the building at the appeal site, with particular regard to the accessibility of the accommodation and the garden space.

Reasons

Character and Appearance

3. The appeal site is located within an area of mixed uses and buildings of varied scale and appearance. The section of Lea Bridge Road that the appeal site sits within features buildings of gradually increasing height, with a 3 storey building to one side of the appeal site and a pair of 5 storey buildings to the other. The height of the built form then decreases back to 2 storeys.
4. The 4 storey building at the appeal site has a primary front elevation that is three storeys tall, with the fourth floor being set back from the front elevation and both flanks of the main part of the building. It is proposed to extend the building upwards with an additional storey that would be used to enlarge the existing pair of one bedroom flats at the top floor of the building, resulting in them becoming 2 and 3 bedroom flats. The existing top floor and the

extension would be clad with zinc and a canopy structure would be added to each side of the existing top floor.

5. The resultant building would have an unduly top-heavy appearance with the top floors of accommodation being poorly proportioned in relation to the floors below. The top floors would dominate the appearance of the building and cause it to be incongruous within the street, particularly as the other built form within the locality has just one floor of inset accommodation.
6. The proposal would also erode the gradual transition of the height of the buildings which contributes positively to the appearance of the street. The proposal would, therefore, not show adequate regard to local character or the pattern of development within the locality and would cause harm to the character and appearance of the street.
7. Similar to the existing top-floor windows, the proposed windows would not align with the windows below. In this context, the alignment of the proposed windows would not cause significant harm to the appearance of the building. Whilst I do not share the concerns of the Council in this regard, this does not alter my assessment in relation to the harm that has been identified above.
8. For these reasons, the proposal would have a harmful effect on the character and appearance of the existing building and the surrounding area. The development would, therefore, be contrary to policies CS15 of the Waltham Forest Local Plan Core Strategy 2012 (CS) and DM29 of the Council's Development Management Policies document¹ (DMP) which require that development reinforces local character, takes account of patterns of development and addresses issues of height and scale sensitively. The proposal would also be contrary to the Council's Urban Design Supplementary Planning Document 2010 which states that the scale and height of development should have regard to its surrounding context, including adjoining buildings and the general pattern of heights in the area.

Living Conditions of the Occupiers of Neighbouring Buildings

9. The top floor of the neighbouring building includes 2 flats that have openings facing the appeal site, albeit they are set back from the shared boundary. The intervening space is used as an outdoor terrace area, with both the terrace and the openings being positioned above the roof of the existing building at the appeal site. The proposed extension would cause the buildings to be of similar height.
10. Although the additional floor would be inset from the flank elevation, the increase of height and the depth of the extension would cause it to dominate the outlook from within the neighbouring flats and the outdoor space that serves those flats.
11. It appears that some of the rooms within the flats are served by other windows to the front and rear elevations and therefore some of the rooms would still have some outlook. However, the evidence before me indicates that the windows in the side elevation are the primary windows that serve the living accommodation and as such the presence of other windows would not compensate for the substantial loss of outlook and sense of enclosure that

¹ London Borough of Waltham Forest Development Management Policies Local Plan 2013

would be caused by the proposed development, particularly that which would affect the reasonable use and enjoyment of the terraces.

12. Whilst a sufficient space would be retained to ensure that adequate light reaches the habitable rooms and terraces of the neighbouring properties, this does not mitigate the substantial and overbearing effect the proposal would have on the outlook from within the neighbouring flats.
13. The building under construction at 859 Lea Bridge Road appears to be taller than 857, but the evidence before me does not demonstrate that the effect on living conditions of the adjacent occupiers would be the same. The balcony arrangements and means of enclosure appear to be different and the inset of the top floor of accommodation at 859 Lea Bridge Road appears to be greater. Furthermore, the flats at 857 Lea Bridge Road that are adjacent to the taller neighbouring building appear to have a different window arrangement, with larger windows to the front than those which serve flats 25 and 32. The evidence before me suggests that the relationship between buildings would be different and, as such, I do not find that the presence of this other development within the street is reason to alter my assessment in relation to this matter.
14. The proposed development would therefore have an unacceptable effect on the living conditions of the occupiers of flats 25 and 32 at 857 Lea Bridge Road, particularly as a result of the effect on outlook and the sense of enclosure that would be caused. The proposal would therefore be contrary to policies DM32 of the DMP and CS15 of the CS which combine to require, amongst other things, that development ensures that outlook is maintained within the homes and gardens of the occupiers of neighbouring properties and that development improves the way places function.
15. As policy DM7 of the DMP relates to housing standards for proposed developments and policy CS13 of the CS addresses health and wellbeing in a different context to living conditions, I do not find them to be relevant to this issue. This does not, however, alter my conclusion in respect of the other abovementioned policies of the development plan.

Living Conditions of the Occupiers of the Proposed Development

16. The proposed development would result in the increase of the number of bedrooms within the flats and the provision of duplex accommodation. The entrance to the flats and the accessibility of the amenity space would be unaffected. However, as larger flats, they would be able to be occupied by additional people, possibly including children.
17. The existing building appears to contain a mixture of 1 and 2 bedroom flats, with only one flat having direct access onto the amenity space. Although the presence of families within the building would be likely to increase and create more demand for the use of amenity space, no justification has been provided to explain why the existing amenity space at the site would be any less usable for the future occupiers of the proposed flats than it would for the existing occupiers of the building, which may include other families with children due to the presence of existing 2 bedroom flats.
18. The future occupiers of the larger flats would be likely to find the availability of a lift desirable, particularly as there would be an increased likelihood of young

children residing at the site. However, although policy 3.5 of the London Plan (2016) states that the needs of children, the disabled and older people should be taken into account, there appears to be no applicable development plan policy or housing standard that makes the provision of a lift a requirement. As such I have no basis to conclude that a development without a lift would necessarily be inaccessible to an extent that conflicts with the requirements of the development plan.

19. For these reasons, the development would not have an unacceptable effect on the living conditions of the future occupiers of the building at the appeal site with regard to the accessibility of the accommodation and the garden space. Therefore, the proposal would not be contrary to policies CS15 of the CS and DM7, DM29 and DM30 of the DMP which combine to require, amongst other things, that residential developments include private garden space and provide convenient access as far as is practical and reasonable. There would also be no conflict with Policy 3.5 of the London Plan which requires that developments are accessible and adaptable and take account of the needs of children, disabled and older people.

Other Matters

20. The appellant has highlighted the support that exists at Section 5 of the National Planning Policy Framework and within policy 3.3 of the London Plan (2016) for the creation of new homes. However, as the proposal relates to the enlargement of existing flats rather than the creation of new flats, there are no benefits arising from the proposal in this regard. Similarly, as there would be no increase of residential units proposed, the location of the site in relation to services, facilities and transport connections would be a neutral factor in relation to this proposal.
21. The appellant has identified that policies DM2 and DM5 of the DMP and paragraph 61 of the National Planning Policy Framework promote the provision of larger family homes with 3 or more bedrooms, one of which would be provided as a result of this proposal. However, I do not find that this benefit outweighs the harm that has been identified above.

Conclusion

22. Bringing together my conclusions on the main issues, I have found that the development would have an unacceptable effect on the character and appearance of the site and the surrounding area and would cause harm to the living conditions of neighbouring residents. Whilst no harm has been identified in other respects and there are some benefits arising from the proposal, these factors are outweighed by the harm that has been identified.
23. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR