



Appeal Decision

Site visit made on 3 December 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 17 December 2019

Appeal Ref: APP/U5930/W/19/3238010

74 Higham Hill Road, Walthamstow E17 6EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Prime London Development against the Council of the London Borough of Waltham Forest.
 - The application Ref: 192254, is dated 4 July 2019.
 - The development proposed is a three-storey building with rooms in the roof space to accommodate four flats (2 x 2-bed, 2 x 1-bed) with associated cycle and refuse stores following demolition of existing building.
-

Decision

1. The appeal is dismissed, and planning permission refused.

Procedural Matters

2. The Council amended the description of the development from 'demolition of existing building. Replaced with a new block of flats of four units' to 'development of a three-storey building with rooms in the roofspace to accommodate four flats (2 x 2-bed, 2 x 1-bed) with associated cycle and refuse stores following demolition of existing building'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more succinct description of the proposed development and have therefore proceeded on this basis.
3. Within the information before me, references have been made to the draft London Plan (2017). Whilst I have had regard to these, their weight in my decision has been limited on account of it not currently being part of the Development Plan.

Main Issues

4. From the evidence before me, the main issues are:
 - whether an appropriate mixture of dwelling types has been provided within the proposed development;
 - the effect of the development on the character and appearance of the area; and
 - whether sufficient information has been submitted regarding the proposed use of brick cladding.

Reasons

Housing mix

5. The appeal site is located within a predominantly residential area, where the buildings appear to be of a variety of ages. The residential accommodation within the surrounding area comprises houses, in addition to flats. Buildings containing flats comprise both purpose-built developments, in addition to the houses that have been converted.
6. My attention has been drawn to Policy DM5 of the Waltham Forest Local Plan – Development Management Policies (2013) (the Local Plan) and Policy CS2 of the Waltham Forest Core Strategy (2013) (the Core Strategy). These require all residential developments to provide a range of dwellings in order to meet the needs of the population of the Borough. The need for family housing is particularly emphasised. This approach is consistent with the requirements of the National Planning Policy Framework, which sets out the requirement that a variety of house types should be provided in order to meet the needs of different groups in society.
7. The development comprises flats that either have a single or two bedrooms. In consequence, the proposed dwellings are unlikely to be attractive to families. Given that the evidence before me is indicative that family accommodation is in notable need within the Borough, the lack of larger dwellings is particularly concerning. As a result, the development would not make adequate provision for occupation by families and larger households.
8. The proposed development would not result in the loss of any larger dwellings arising from the demolition of the existing building. However, given that the number of units contained on the site would increase as a result of the proposed development, it is therefore appropriate and necessary to assess the proposal against the housing need requirement within the locality.
9. I acknowledge the observations made by the appellant that the ground floor flat has a floor space that exceeds the minimum National Described Space Standards for a three-bedroom dwelling. Whilst this may be the case, the layout of the unit (with only two bedrooms) would not be conducive to securing satisfactory living conditions for the future occupiers of the unit as the limited number of bedrooms may not be attractive to families with some children.
10. My attention has been drawn to a previously permitted scheme in the nearby Winns Avenue, which contains eight flats of either one or two bedrooms. However, I have not been provided with any information regarding the planning circumstances that lead to this development being approved, or the housing needs at that time. In consequence, I am unable to attribute significant weight to this development.
11. I therefore conclude that the development would fail to provide an adequate mixture of dwelling types. The development in this regard would fail to comply with the requirements of Policy CS2 of the Core Strategy and Policy DM5 of the Local Plan. These policies, amongst other matters, seek to ensure that new developments provide a range of dwelling sizes with a particular focus being placed on the provisions of larger dwellings suitable for families.

Character and appearance

12. The appeal site currently consists of a disused building located on land lower than the junction of Higham Hill Road and Winns Avenue. Land levels decrease beyond the appeal site, which is also in proximity to the junction with Queen Elizabeth Road. Buildings within the vicinity are generally constructed to traditional designs and feature elements such as pitched roofs and contrasting window sills.
13. The proposed building would have a height that would appear significantly taller than many of the surrounding buildings, particularly those in Winns Avenue. By reason of this, and the proposed building's siting in respect of the surrounding road network, the development would have a significant degree of prominence.
14. This is particularly concerning as the design of the proposed building features a roof form that would include a sizeable flat element. This is a roof shape that is not present within the locality. As a result, the proposal would represent an incongruous and discordant form of development that would not harmonise with the traditional character of architecture that is typical of the surrounding streets.
15. In addition, the proposed building features projections that have a combination of flat roofs and a hipped roof. Such projections are also not present on buildings within the vicinity, thereby exacerbating the harm to the character and appearance to the surrounding area arising from the inappropriate form of development.
16. I have noted that these sections serve to reduce the massing of the proposed building when viewed alongside the two storey houses that are present in Winns Avenue. However, owing to the relatively shallow projection from the main body of the development, this effect is only partial and does not overcome the harm arising from the height and roof shape of the remainder of the development.
17. Irrespective of the precise finishing materials, a prevailing feature of many of the surrounding buildings is the presence of traditional design features, such as window sills. Furthermore, windows on many of the neighbouring properties tend to be relatively narrow, but with a greater height. I also note that these features appear on the building that is under construction in Winns Avenue. This contrasts with the design approach taken on the proposed development, as the building lacks these architectural features and detailing. As a result, the proposed development would not harmonise with its surroundings. This exacerbates the harm to the surrounding area.
18. I therefore conclude that the proposed development would have an adverse impact upon the character and appearance of the surrounding area. The development, in this regard, would fail to accord with the requirements of Policies 5.3 and 7.6 of the London Plan (2016) (the London Plan); Policies CS2 and CS15 of the Core Strategy; Policy DM29 of the Local Plan and the Waltham Forest Urban Design Supplementary Planning Document (2010) (the SPD).
19. These policies, and the SPD, amongst other matters, seek to ensure that new developments are of a high quality and sustainable design; reinforce and

enhance local distinctiveness; be of a proportionate composition and scale; and integrate with the surrounding context.

Brick cladding

20. Whilst the surrounding area can be characterised by the presence of traditional designs, there is a notable degree of variety in respect of the materials used. In consequence, several of the surrounding buildings have been constructed to finishes using bricks, render and pebble dash.
21. Owing to this variety, I do not believe that the construction of a new building utilising brick cladding would be particularly injurious to the prevailing character of the surrounding area.
22. In addition, given that the cladding would be attached to the sides of the building is unlikely to add significantly to its bulk or massing. It also would not lead to an increase in the number of windows within the development. In consequence, the use of such cladding is unlikely to lead to significant harm to the living conditions of the occupiers of neighbouring properties in terms of matters such as light, outlook and privacy.
23. Whilst I recognise that few details regarding this material had been submitted with the planning application, had I been minded to allow this appeal, I could have imposed a condition that would have enabled the local planning authority to consider details of all facing materials. Such consideration could have included appropriate assessment of the colour of the cladding and its texture. In consequence, a mechanism would have existed that would have ensured that the cladding used on the proposed building would have harmonised with its surroundings.
24. I therefore conclude that the use of brick cladding would not be an inappropriate building material. The development in this particular regard, would conform with the requirements of Policies 5.3 and 7.6 of the London Plan; Policies CS2 and CS15 of the Core Strategy; Policies DM4, DM29 and DM32 of the Local Plan; and the SPD.
25. These policies, and the SPD, amongst other matters, seek to ensure that developments be of a sustainable design that complements, but not necessarily replicates, the local character; improves the urban environment; reinforce and, where appropriate, create new distinctive and legible areas; secure satisfactory living conditions; and use quality materials and finishes.

Other Matters

26. The proposed development would increase the supply of housing within the vicinity. Whilst this is a matter of note, it does not outweigh the harm to the character and appearance of the surrounding area, and the lack of suitable family accommodation.
27. I acknowledge concerns raised by the appellant that the discussions with the Council before and during the planning application process did not result in a positive outcome to the planning application. However, in considering this appeal, I have limited my considerations to the planning matters before me.
28. I also acknowledge that the proposed development is unlikely to affect the significance of any heritage assets. However, this is only one of all the matters

that must be considered in assessing a proposal. In consequence, this does not allow me to disregard my previous conclusions.

29. I have noted efforts made by the appellant in revising the design of the proposed development over the course of the planning application. However, I do not believe that this overcomes the harm as previously identified.

Planning Balance and Conclusion

30. Whilst I have not found the use of brick cladding to be unacceptable, I have found harm to the character and appearance arising from the design and form of the proposed development, and the fact that the development does not address the need within the vicinity for accommodation suitable for families. These matters amount to significant breaches of planning policy. Accordingly, for the preceding reasons, the appeal is dismissed, and planning permission refused.

Benjamin Clarke

INSPECTOR