



Appeal Decision

Site visit made on 07 June 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2020

Appeal Ref: APP/U5930/19/3223743

130 Vicarage Road, Leyton, E10 5DX

- 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 Chris Chimonas against the decision of London Borough of Waltham Forest.
 - The application Ref 183489, dated 08 October 2018, was refused by notice dated 13 December 2018.
 - The development proposed is a new single storey one bedroom flat to the rear of the ground floor shop.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) Whether the proposal would provide an acceptable standard of living accommodation for future occupiers, with regard to light, outlook and amenity space; and
 - b) Whether the effect of the development on the character and appearance of the area would be acceptable.

Reasons

Living conditions

3. The appeal site is a mid-terraced building with a commercial use at ground floor with residential above. The proposal is for a single storey extension to the rear of the site that would be used as a flat.
4. Whilst it is agreed between the parties that the internal space provided by the flat would meet minimum standards, outlook from the main habitable rooms within the property would be poor. The only window serving the living space would be over the small courtyard area. The bedroom would also have a view over that modest space and would also be served by a window over the narrow alleyway. That view would be promptly interrupted by the side wall of No 1 Park Road. Whilst I note that views of the sky would be available through rooflights, that would not compensate for views out of windows at eye level.

5. In the context of what I consider to be poor levels of outlook from habitable rooms, it is particularly important that an acceptable level of outdoor space would be provided by the property. The proposed provision, at 4m², would be substantially below the Council's standard of 10m². Rather than mitigate the impacts of poor outlook, the size of the amenity area compounds my view that the overall quality of accommodation provided by the appeal development would be poor.
6. The Council is also concerned that levels of lighting within the property would be poor. There is no evidence before me to demonstrate that this would be the case.
7. Overall, for the reasons that I have described, I do not consider that the quality of accommodation provided by the development would be acceptable. The proposal would conflict with policies CS13 and CS15 of the London Borough of Waltham Forest Local Plan Core Strategy (2012) (LPCS) and policy DM7 of the Development Management Policies Local Plan 2013 (DMPLP), which seek, amongst other requirements to secure a high standard of living accommodation in new developments.

Character and appearance

8. The parties agree that the extension would build on the majority of the rear yard serving the property. It would, however, be single-storey in height and would be set in from the Park Road street scene. Whilst it would be visible from the road, the extension would not appear as particularly prominent. It would not appear out of keeping with extensions to the rear of commercial premises that front service roads. Indeed, there are other examples on nearby parades to the appeal site, although I note that the Council says that planning permission was not granted for one of the larger examples cited by the Appellant.
9. Overall, I am satisfied that the proposal would not cause harm to the character and appearance of the area and that it would be consistent with policy CS15 of the LPCS and policies DM4 and DM29 of the DMPLP, which seek, amongst other requirements to ensure high-quality development.

Other Matters

10. I have considered the modest contribution that would be made towards housing supply by the proposal and the sustainable location of the site, and accesses to local shops, services and transport connections. These factors do not outweigh the concerns that I have described.

Conclusions

11. Whilst I have found with the Appellant on the issue of character and appearance, I have found that the quality of accommodation provided by the proposal would be unacceptable. Accordingly, the appeal is dismissed.

N Smith

INSPECTOR