
Appeal Decision

Site visit made on 29 January 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2020

Appeal Ref: APP/U5930/W/19/3240538
140 Normanshire Drive, Chingford E4 9HD

- 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 Dr Nagib Seedat of Oakhurst Developers Ltd against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 192392, dated 19 July 2019, was refused by notice dated 12 September 2019.
 - The development proposed is the demolition of existing house side garage and proposal to construct attached 2 bedroom residential dwelling with front drive and rear amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of future occupants of the proposal, with regards to amenity space provision.

Reasons

Character and appearance

3. The appeal site is part of an existing two storey semi-detached dwelling within Normanshire Drive. The road is characterised by semi-detached and terraced residential properties which have a common appearance and design features that include their width, two storey height, a pitched roof and two storey bays. Even though numerous properties seem to have been subject of various alterations, these have not fundamentally changed the design and appearance of the properties. As a result, properties in the road display a regular rhythm and consistent appearance. This is aided by the gaps between the semi-detached and terraced properties which positively contribute to the character and appearance of the road by affording visual relief between built form. The gap is typically a handful of metres wide.
4. A single storey garage is to the side of No 140. The adjoining property also has a single storey side extension. This is larger than that of No 140. To the side of the appeal site is a grassed access track which leads to the rear of terraced properties to the south-west of the appeal site.
5. The scheme before me has been revised by the appellant following the

dismissal of an earlier appeal¹. Notable changes include the removal of the front entrance, bay window, loft extension/dormer and the formation of a side entrance to the proposed dwelling. As a result, the design approach proposed is that of a two-storey side extension which would be set down from the ridge line of No 140 and back from its front elevation.

6. Although a recessed side entrance is proposed, this would be apparent from Normanshire Drive and coupled with the off-street parking to the front, I am of the view that the proposed dwelling would, despite its design, be read as a separate dwelling to No 140. I understand that the proposed entrance has been moved to the side with a view to finding a solution. This would allow the front elevation to have a better visual balance. However, the position of the proposed entrance door would mean that it would not respond to the local context as neighbouring properties typically have front facing entrance doors.
7. In any event, the width of the proposed dwelling would not respond to the existing regular pattern of development. Although the new dwelling's width would taper to the rear, it would, noting the appellant's design approach of a two-storey side extension, be greater than half the width of No 140 when viewed from Normanshire Drive.
8. The depth of the proposed dwelling would be similar to neighbouring properties ground floors, but the new dwelling's depth at first floor would be beyond what is typical locally. Although this element would be set back from the street and down from the main body of the proposed roof, this does not mean that it would be of an unacceptable scale and appearance. I note that my findings reflect those of the earlier appeal which considered a first-floor projection of the same scale and design.
9. Taking the width, depth and scale of the proposed dwelling into account, I consider that the appeal scheme would harm the balance and symmetry of the original design of this pair of properties, which are an apparent and positive characteristic of the area. Even though there are terraced properties within the street, the proposal would not reflect the width and proportions of these.
10. As such, this leads me to conclude, in respect of this issue, that the proposed development would cause significant harm to the character and appearance of the area. The proposal would conflict with Policy CS 15 of the Core Strategy (CS), Policies DM4 and DM29 of the Development Management Policies Local Plan (Local Plan) and the Urban Design Supplementary Planning Document (SPD). Collectively these seek, among other matters, new development to be of a high standard of urban and architectural design which responds positively to, and reinforces the local context and character, taking into account patterns of development, scale, urban form, building typology and detailing.

Living conditions

11. A garden would be formed to the rear of the proposed dwelling. This would result in part of the existing garden being lost. According to the submitted plans, the resulting garden for No 140 would be around 125m², while the garden serving the proposed dwelling would be roughly 27m².
12. For a 2 bedroom 4 person dwelling, Local Plan Policy DM7 seeks proposals to meet the minimum external space standard set out in Table 8.3. The minimum

¹ Appeal Decision Ref: APP/U5930/W/18/3200309

standard applicable for the proposed development is 50m². The SPD also seeks this same amount of amenity space to meet the needs of future occupants. Even if I were to consider the proposed external amenity space to be well-designed, appropriately located and usable, it would not change the fact that it would fall considerably short of the minimum standard and the level of external space that neighbouring properties benefit from in the area.

13. Part B v) of Local Plan Policy DM7 explains that where external amenity space standards cannot be provided on-site the Council may require financial contributions to enhance or upgrade the provision of local open space(s) in the vicinity of the development. While the Council may not have requested such a contribution, equally it is open to the appellant to produce the necessary information to support their scheme.
14. While, the Council's stance in respect of the external amenity space has now shifted, despite the changes made by the appellant to their scheme, I must determine this appeal based on the circumstances presented to me in accordance with the development plan unless material consideration indicate otherwise. As such, I conclude on this issue that the proposed development would have a significant effect on the living conditions of future occupants of the proposal, with regards to amenity space provision. The proposal would conflict with CS Policy CS15, DMP Policy DM7 and the SPD; which jointly seek, proposals to meet the minimum external space standards so that developments are attractive, functional and meet the needs of future occupants.

Other matters

15. I have no reason to disagree with the view expressed by the Inspector in the earlier appeal or that of the main parties about the principle of development. However, while the site is in a readily accessible location near to a range of facilities and services, and the proposal would make a modest contribution to helping maintain a continuous supply of houses in the area to meet a range of housing needs, these matters do not alter or outweigh the harm that I have identified in respect of both main issues.

Conclusion

16. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR