



Appeal Decision

Site visit made on 10 March 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2020

Appeal Ref: APP/U5930/W/19/3243804

2 Greenleaf Road, Walthamstow, London E17 6QQ

- 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 Bennett & Cheroomi SIPP Pension against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 192152, dated 27 June 2019, was refused by notice dated 21 November 2019.
 - The development proposed is creation of a four-storey building comprising a children's day nursery (D1) at ground and first floor and two commercial units (B1(a)) on the second and third floors with associated works.
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Decision

1. The appeal is dismissed.

Procedural Issue

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises *'the construction of first floor rear extension along with the construction of two additional floors to create second and third floors to the entire building with two front dormer roof extensions, alterations to side elevation fenestration with associated car parking, buggy storage, and bin storage to provide children's nursery at ground and first floors (Class D1) and commercial units on second and third floors (Class B1(a))'*. The Council dealt with the proposal on this basis and so shall I.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and area.

Reasons

4. The appeal site is a two-storey building it is located within an area of both residential and commercial properties. As I observed at the time of my site visit the ground floor is currently occupied by a children's nursery with the upper floor being separately accessed and currently unoccupied. The area is characterised by varying designs and heights of buildings but the majority of those buildings along the northern side of Greenleaf Road are of two-storeys. Despite some variation in form in the immediate area the appeal property is constructed with a simple flat roof and sits fairly discretely and as a subservient building within the context of the street scene.

5. The appeal proposals involve the addition of a first-floor rear extension and an additional two floors to the host building. The top floor would incorporate a mansard style roof with the addition of two front dormers. There would also be changes to existing fenestration. The proposals would form a children's nursery at both ground and first floor (Class D1¹) and additional commercial units on the second and third floors (Class B1(a)).
6. Policy CS15 of the Waltham Forest Local Plan Core Strategy, 2012 (CS) expects new development proposals to ensure the highest quality architecture and urban design. New development should respond positively to the local context and character. Policy DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan, 2013 (LP) sets out the design principles, standards and local distinctiveness expected for new development. Amongst other things, proposals should be of a high standard of design, reinforce and/or enhance local character and distinctiveness, respond to their context in terms of scale, height and massing and be visually attractive.
7. The Council's Urban Design Supplementary Planning Document, 2010 (SPD) sets out the key objectives and guidance for achieving good urban design for all new development. At Section 5.7 it sets out building form and detailing and in particular at 5.7.1 the scale, height and massing of proposed development should therefore be considered in relation to its surrounding context, including adjoining buildings, the general pattern of heights in the area. Where uniform building height is part of the character of a street it will not normally be appropriate to permit major variations in the general roof line. It further advises that a degree of variety in building heights can provide visual interest at roof level, although care needs to be taken to ensure that no one building is allowed to overly dominate its neighbours.
8. The proposals would result in two additional floors to the host building, this would be created by the addition of a substantial large extension along the existing rear first floor. The proposals would add significant built development and massing to both the height and depth of the existing simplistic flat roof two-storey building. Therefore, resulting in an excessively large, top heavy building of imposing scale, which is not considered to be high quality urban design positively reflecting the characteristics or appearance of the context of the existing host property and street scene.
9. Despite, the alignment of door heights and windows with No.2a Greenleaf road and the incorporation of a mansard roof to the top floor. The mansard roof would only result in a limited set back from the side elevations. This would only be at roof level and does not alleviate the top-heavy appearance and bulkiness of the proposed development. As such the overall proposals would still be of an excessive scale. Furthermore, the combination of the mansard roof with two front dormers would exacerbate the situation as it would be an uncharacteristic addition to the frontage of the host property and its immediate area.
10. I acknowledge the appellant's comments in regard to the scale of buildings which are nearby the appeal site and on Hoe Street. However, the proposals would result in a building being significantly at odds with its neighbouring surroundings, particularly as the appeal property is attached to an existing two-storey flat roof building and adjacent to a two-storey detached church building. The appeal property would therefore be seen as a prominent and

¹ The Town and Country Planning (Use Classes Order) 1987 (as amended)

incongruous building, due to the height and would overly dominate both the neighbouring unit and church creating an unacceptable relationship with its immediate surroundings to the detriment of the character and appearance of the street scene.

11. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the host property and area. It would conflict with Policy CS15 of the CS and DM29 of the LP. Which taken together seek to ensure that developments are of a high standard of urban design; and reinforce and/or enhance local character and distinctiveness.
12. It would also be at odds with the Council's SPD, Section 5.7 relating to building form and detailing.

Other Matters

13. I acknowledge the appellant's comments in regard to the proposals not being defined as a tall building and those definitions in Policy CS15 of the LP. Albeit, this may be the case, this is only one criterion which is set out in the policy. Moreover, the Council's reason for refusal is not on this basis and as such this matter does not outweigh or justify the harm, I have set out above.
14. The appellant refers to a 'Making Places Project' and the proposals would contribute to delivering this objective and that land to the rear of the church has redevelopment proposals as part of a current planning application. I have no substantive evidence to suggest that the proposals would contribute to any key objectives for redevelopment of the area or that existing proposals should serve as a precedent to justify this proposed development. These matters do not diminish the concerns I have identified in relation to the proposal in the context of the appeal site nor the harm I have identified in respect of the main issue. In any case, I must consider the appeal on its own merits.
15. I recognise the appeal proposal would have benefits with regard to the community use, be within a sustainable location and the contribution both construction opportunities and any future business occupiers would make to the local economy. These matters, however, do not outweigh my findings in respect of the main issue nor the conflict I have found with the development plan read as a whole.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR