



Appeal Decision

Site visit made on 07 November 2020

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/U5930/W/20/3249541

38, 40 & 42 St James Street, Walthamstow, London, E17 7PE

- 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 O'Reilly against the decision of London Borough of Waltham Forest.
 - The application Ref 193204, dated 20 September 2019, was refused by notice dated 28 November 2019.
 - The development proposed is a joint planning application to cover part demolition, adaption and new build construction to nos. 38 & 40 St James Street and No.42 St James Street. Including rearward part two and part single storey first floor extension to provide 2.no private residential flats (C3 Use Class), renovation and refurbishment of existing communal roof space, residential entrance and communal staircase as well as façade improvements.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development was amended to "*redevelopment and conversion of the rear of no. 42 St James Street from storage (Class B8) to residential use and construction of part first floor rear extension to the rear of nos. 38 and 40 St James Street to create 2 x 1 bedroom units. Installation of new windows, entrance doors and French doors with safety railings, formation of green roof with rooflights, associated bin and cycle stores and replacement of external stairwell and access arrangement at first floor level*" following submission of the application. I have utilised the original description for the purposes of the appeal.

Main Issue

3. The main issues are the effect of the proposal on the character and appearance of the area, whether the proposal would provide adequate living conditions for future occupiers of the development and whether the proposal makes sufficient provision for cycle storage.

Reasons

Character of the area

4. The appeal site is an existing two storey storage building (the host building) to the rear of 38, 40 and 42 St James Street; its back plot location fronts Frederic

Street to the side and a narrow single track which returns to Grange Road, forming a block.

5. St James Street has a mixed character of two-storey and three-storey Victorian style buildings which have substantial single-storey to three-storey extensions to the rear. These extensions have an irregular appearance and form. The appeal site is not particularly visible or prominent from St James Street due to its set-back behind buildings and distance down Frederic Street. Frederic Street also has a mixed character of the extended rear elevations of buildings on St James Street and two standalone four-storey blocks of flats which dominate the character of Frederic Street (Cyan Court and a large 'U' shaped block). The host building has a more regular pattern with a straight rear elevation and flat roof; it obscures some of the irregularity at the rear of the St James Street buildings on the appeal site side of Frederic Street. The junction of Frederic Street with St James Street faces a gap in the Victorian buildings, framing views of a massive flat roof building of at least six-storeys in height which lies beyond St James Street.
6. Whilst the reasons for refusal given on the Council's decision notice refer to the overall scale of the appeal proposal, the Council's appeal statement considers that the scale is not in dispute between the parties and would be broadly acceptable. I concur with the view that the scale of the proposal would be in keeping with the heights and massing of surrounding development.
7. Whilst Frederic Street turns a slight corner towards the site, potentially increasing the prominence of the appeal proposal when travelling from the dead-end of Frederic Street, the scale and form of the proposal would be viewed in the context of the three-storey terraced St James building and the rear extensions of the surroundings. In the other direction from St James Street, it would be viewed in the context of the large blocks of flats and surrounding rear extensions and outbuildings. The proposal would integrate well with these varied developments and be in keeping with the spatial pattern of the area, which includes both standalone blocks of development and heavily extended back plots. The detailed design of the proposal, featuring a flat roof and long, regular form would reflect the standalone massive blocks of development in the vicinity and would further obscure some of the eclectic rear extensions to St James Street to create an ordered appearance whilst respecting the urban form.
8. Cyan Court, some of the rear extensions of St James Street buildings and the corners of the 'U' shaped block of flats feature light-coloured renders akin to that proposed. The fenestration of the proposal would also be in keeping with Cyan Court and the building visible across St James Street.
9. For these reasons, I conclude the appeal proposal would not have an unacceptable effect on the character and appearance of the area.

Living Conditions

10. Whilst the proposed accommodation for Unit 02 would be in a duplex form, its window and Juliet balcony openings would be sited in a single elevation. This single aspect would create difficulties with ventilating the property which may overheat due to its elevated position, large openings and large rooflight which would allow sustained direct sunlight into the property. Whilst heat may rise through the openable rooflights, the rooflights would not facilitate effective

cross ventilation. The single aspect would also result in limited outlook which would not be overcome with the provision of the rooflight into the main living space of this unit.

11. Due to the site's constrained size and its proximity with other residential development, the proposal does not include any provision for outdoor amenity space. The site is in an urban location with the closest parks at a distance, several minutes' walk, which would not be easily accessible for day to day use. The distance from the parks is exacerbated by the poor provision for cycle storage, addressed below. Whilst the site context might merit a reduced provision of outdoor amenity space, the complete lack of any provision, coupled with the single aspect outlook of Unit 02 would provide a poor standard of living conditions for future occupiers.
12. For these reasons, I conclude that the proposal would fail to provide an adequate standard of living accommodation for future occupiers, contrary to policy DM7 of the Waltham Forest Local Plan – Development Management Policies (DMP), adopted 2013 and the Council's Urban Design Supplementary Planning Document (SPD). Policy DM7 seeks, amongst other things, to ensure residential development makes provision for external space.

Cycle Storage

13. The proposed first-floor level cycle storage would not be easily accessible or practical as it would require the occupants to bring cycles up a flight of stairs. It would not be feasible to expect occupiers to use only lightweight folding cycles for carrying. Whilst site is well located in respect of public transport, a choice and range of sustainable modes of travel should be available to future occupiers of the development. Though cycle storage is provided on a charging basis for users of nearby St James Street Underground Station, this would not be secured for the dedicated use of the future occupiers of the development and would not provide an adequate substitute for managed and secure on-site provision.
14. For these reasons, I conclude that the proposal would fail to make adequate provision for cycle storage, contrary to policy 6.9 of the London Plan, adopted 2016, and policy DM16 of the DMP. These policies seek, amongst other things, to promote cycling as a sustainable mode of transport and to ensure safe and secure access to cycle parking.

Other Matters

15. Current occupiers of the accommodation in the St James building appear to make use of the existing flat-roof as outdoor amenity space; many of the flat roof rear extensions along St James Street buildings appear to be used in this manner. The siting of the entrances into the two proposed units may reduce the privacy and usability of this space. However, the use of the roof appears to be informal and I have no information as to whether this use has any established basis. Further, the proposal appears to include some refurbishment of this space. Thus, I conclude that the proposal would not result in an unacceptable adverse effect on the living conditions of occupiers of nearby properties, based on the information before me.

Conclusions

16. For the reasons stated above, I find that the appeal proposal would fail to provide an adequate standard of living conditions for future occupiers and would fail to provide an adequate standard of cycle parking, contrary to the relevant policies of the Development Plan, as well as the guidance in the Framework. I conclude that the appeal should be dismissed.

Kim Langford Tejrar

INSPECTOR