



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/20/3247430

46 Onra Road, Walthamstow, London E17 8JD

- 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 R Hussein against the decision of London Borough of Waltham Forest.
 - The application Ref 192904, dated 19 June 2019, was refused by notice dated 24 December 2019.
 - The development proposed is for a new two-bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was changed following validation of the application to "*construction of a two-storey building to provide a two-bedroom single dwelling house*". The original description of development reflects the nature of the proposal sufficiently and I have used the original description for the purposes of the appeal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, the effect of the proposal on the living conditions of occupiers of neighbouring dwellings, and whether the proposal would provide adequate living conditions for potential future occupiers of the development.
4. The reasons for refusal in the decision notice cite policy CS16 of the Waltham Forest Local Plan- Core Strategy (CS), adopted 2012, which relates to public safety. No case has been made by either party in respect of the proposal and its effect on public safety. There is nothing about the nature of the scheme or the location which would suggest public safety should be a main issue for the proposal. In any case, overall design security is addressed by other statutory regimes¹.

Reasons

Character of the area

¹ Building control.

5. The appeal site is located on the corner of Onra Road with Farmilo Road. Both roads are predominantly residential in character with a regular uniform development pattern. This uniformity is created by the block layout of terraces, an observed building line emphasised by a tree lined pavement, gaps between blocks at corners and broadly uniform plot sizes. Whilst there is some built development in gaps between the block layout (on corner plots), it is predominantly subservient single-storey outbuildings. There is a dwelling on an infill plot near to the appeal site², though this dwelling is sited within a linear 'block' in what appears to have been an uncharacteristically large gap.
6. The proposal would interrupt the pattern by introducing a dwelling into a prominent corner plot gap. The plot size would be visibly significantly smaller than the vernacular plot size from the street. The host dwelling is extended and relates well to its existing plot and the area, whereas the subdivision of the plot would result in a cramped and out of character appearance. Though infill development relates to the filling of gaps in otherwise built-up areas; cramped and out of place development which does not respect the prevailing spatial pattern is not an inevitable consequence of windfall development.
7. The area also has retained a sense of broadly uniform scale, dwelling type, roof form and architectural design features, despite domestic extensions and varied use of materials. The overall scale of the proposed dwelling would be appreciably smaller than the other dwellings in the area and its proportions and architectural features would fail to align or match with the surrounding dwellings. Whilst approaches to design should not be prescriptive, the proposed modern building type, flat roofs, architectural features and fenestration would not integrate well with the area. The proposal makes use of a range of materials found on buildings in the vicinity, however materials are varied in the area and do not contribute to its sense of place.
8. For these reasons, I conclude that the development would be of a poor design which would have an adverse effect on the character and appearance of the area, contrary to policy CS15 of the CS, and policy DM29 of the Waltham Forest Local Plan – Development Management Policies (DMP), adopted 2013. Policies CS15 and DM29 seek, amongst other things, well designed buildings and places.
9. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) is cited in the decision notice in respect of this reason for refusal, yet no specific reference is drawn to my attention by the Council. However, with reference to my reasoning above, the proposal would result in an adverse impact on the character and appearance of the area. Thus, the appeal proposal would conflict with the general objectives of the SPD.

Living conditions

10. The proposed dwelling would be sited alongside and in alignment with no.124 Farmilo Road. Whilst it would be very close to the boundary with this neighbouring property and no.124 has a side facing window to a non-habitable room, the proposal would effectively create a side-to-side relationship. The rear-to-side relationship between no.46 Onra Road and the nearest property on Farmilo Road would be closer, however the scale and distance would remain broadly in line with the advice in the SPD. Whilst the subdivided plot size for

² 127a Farmilo Road.

no.46 Onra Road would be out of keeping with the character of the area, it would still provide a reasonable useable level of outdoor space for the existing extended dwelling.

11. However, whilst the overall level of provision of outdoor space for the proposed dwelling meets with the advised quantity of space in the SPD, the quality of space would be poor. A large proportion of the space would be for the sole and private use of the proposed dwelling, but it would lack privacy due to its siting and would be in the form of poor quality narrow strips of outdoor space surrounding the house, limiting useability.
12. For these reasons, I conclude the proposal would fail to provide adequate living conditions for future occupiers of the proposed development, contrary to policies CS2, CS13 and CS15 of the CS and policies DM7 and DM32 of the DMP, as well as the guidance contained in the SPD. Policies CS2, CS13, DM7 and DM32 seek, amongst other things, high quality housing which meets the needs of occupiers, promoting health and well-being through provision of adequate internal and external spaces whilst managing impacts of development on neighbours.

Conclusion

13. For the reasons given above, I find that the appeal proposal would adversely affect the character and appearance of the area and would provide inadequate living conditions for future occupiers of the development, 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