



Appeal Decision

Site visit made on 30 November 2020

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/U5930/W/20/3252537

38 Clarendon Road, Walthamstow, Waltham Forest E17 9AZ.

- 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 Miss Veronica Lewis against the decision of the London Borough of Waltham Forest Council.
 - The application Ref 192327, dated 10 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is change of use from single dwelling to form 3 independent dwellings. Proposed construction of dormer to rear roof above two storey outrigger together with construction of single storey rear infill extension with a substantially glazed monopitch roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would:
 - adversely affect the character and appearance of the host property and the surroundings of Clarendon Road as a result of the conversion and extensions and alterations;
 - harm the living conditions of future occupants of the proposed flats in terms of available internal and external space including availability of refuse and cycle storage; and
 - harm the living conditions of present and future occupants of No 36 Clarendon Road in terms of the proximity of the proposed rear ground floor extension.

Reasons

Character and Appearance

3. The appeal property is located on the north side of Clarendon Road which is a road of traditionally designed, mainly two storey, terraced and semi-detached houses in brick and render. No 38 and its neighbour at No 40 are modest, semi-detached properties and 38 is currently in use as a single dwelling of around 100 square metres floor area. The proposal would convert the dwelling into three 2 bedroom flats at ground, first and second floors.
4. Policy CS2 of the *Waltham Forest Local Plan Core Strategy* (WFLPCS) seeks to resist the loss of existing larger homes and Policy DM6 of the *Development Management Policies Local Plan* (DMPLP) prevents the conversion of larger single

houses into smaller self-contained dwellings where criteria cannot be met. These prevent conversion where the original floorspace is less than 124 square metres, the house is in a 'Restricted Dwelling Conversion Ward', there would be an over concentration of conversions in the street and where appropriate off street parking cannot be provided. In this case, although from my observations on the site visit there did not appear to be an over concentration of conversions in Clarendon Road, the area is within a 'Restricted Dwelling Conversion Ward' (Hoe Street) and the house in its current form is less than 124 square metres. Moreover, off street parking cannot be provided. The criteria of Policy DM6 would therefore not be met.

5. The result would be a further erosion of the character of Clarendon Road as an area of single dwellings and obstruct the Council's objective in the Development Plan policies of maintaining a supply of family dwellings.
6. At the time of the site visit, work was underway to construct a raised mansard roof over both No 38 and 40 to accommodate an additional storey granted on appeal refs APP/U5930/W/20/3167258 and APP/U5930/D/17/3167201.
7. The current appeal proposal would have the same form of mansard roof to the front (incorporating two front facing windows) as that allowed on appeal but the rear, rather than having the traditional box dormer contained on the main roof (as permitted), would have an extended box dormer extending out onto the rear outrigger.
8. I acknowledge from the evidence supplied and from viewing neighbouring properties from roof level that, in some cases, the conversion of the loft space in the neighbourhood has involved the use of large box dormers. However, from my observations on site, by and large this has been achieved without extending onto rear outrigger roofs. Consequently, the existence of these other dormer roof extensions would not provide a robust justification for the appeal proposal and I will assess it on its own merits.
9. In respect of the proposals at No 38, the rear loft extension in extending out over the outrigger would result in a large additional bulk and mass at a high level on the rear roof, above the ridge of the outrigger, which would form an obtrusive and incongruous extension in the surrounding roofscape.
10. This adverse impact of the rear roof extension would not be restricted to the semi-detached properties themselves. There are inward views from the properties on Granville Road to the rear. From these properties the roof extension would add significant scale, mass and depth at a high level and would appear as a top-heavy addition to the roofscape harming the character and appearance of the property and its surroundings.
11. The *National Planning Policy Framework* (the Framework) at paragraph 127 requires that developments must be visually attractive and sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal would fail. The WFLPCS at Policy CS15 reflects the Framework in requiring development to respond positively to the local context and local character. Similarly, the DMPLP at Policy DM4 requires extension proposals to relate to the original host building, respect the street scene and character of the area and in Policy DM29 to respond to their context in terms of scale, height and massing. The design of the proposed roof extension would conflict with these policies.
12. To assist in the implementation of these design policies the Council has produced the *Residential Extensions and Alterations Supplementary Planning Document*

(SPD) which provides guidance for householders considering extensions including dormer roof extensions. The guide makes it clear that where there is an L-shaped footprint to the building (as in this case), the dormer extension should not turn the corner of the L-shape to create one large extension which is what is proposed here. This is because it would have too great a visual impact on the character of the original building. It also states that the extension should not rise above the ridge height of the host building which is what is proposed on No 38 in respect of the rear outrigger.

13. For the reasons above, the design objectives of Policies CS15, DM4, DM29 and the SPD would not therefore be achieved by this proposal. It would be unacceptable in terms of the impacts on the character and appearance of No 38 itself as the host dwelling and of the surroundings to Clarendon Road and its character as an area of single-family housing.

Living Conditions

14. The proposed floorplans show the three flats as two bedroom properties but both in respect of their overall floor areas and the size of individual bedrooms and living areas the flats would fail to meet the space standards set out in the *Technical Housing Standard*, the *London Plan* and the space standards to Policy DM7 of the DMPLP. Only the ground floor flat would meet the overall gross internal area standard for 2 bedroom accommodation but its bedrooms would only be singles, would fail to meet the space standard for bedrooms and, in respect of one, there would be no window and no light or outlook. Furthermore, from my site inspection, it was apparent that the circulation space in the hallway and particularly the width on stairs and landings accessing the upper flats would be very limited, further undermining the quality of accommodation that would be provided.
15. In respect of outdoor private amenity space only the ground floor flat would have access to the garden and the other flats would have no outdoor space. It has been put to me that there are open spaces within the vicinity but whilst there are small parks in the area, the closest being Wingfield Park, at around 420 metres walk none of these are close enough to replace the need for on-site amenity space directly serving the flats.
16. Creation of 3 flats would require refuse and recycling storage on site and cycle storage. I noted that there was a communal cycle storage facility on Clarendon Road close to No 38 but even if there was capacity in this storage facility for flat occupiers' bikes the available space for refuse and recycling storage for 3 flats in what is a small front garden area would be inadequate.
17. Partly in order to provide sufficient floorspace for the ground floor flat it is proposed to add a side extension in the space between the side boundary and the rear outrigger to No 38. This would be hard on the boundary with No 36. Although the ground level to No 38 is slightly lower than at No 36 and the extension would be a single storey flat roof structure, the height of the extension on the boundary would still be enough (at very close proximity) to be enclosing and overbearing on the French windows in the main part of No 36 and any ground floor windows facing in its rear outrigger. The SPD, in respect of infilling between rear outriggers and property boundaries, states that it is generally inappropriate to square the property off by infilling the 'L-shape'. This can create a 'tunnel effect' for your neighbour and therefore be too overbearing.
18. As such, both in respect of the living conditions of future occupants of No 38 and present and future occupants of No 36 there would be a significant and adverse effect on living conditions in respect of space, layout and outlook for the former

and in respect of an enclosing and overbearing built form for the latter. The proposal would therefore be in conflict with Policies DM4, DM6, DM7 and DM32 of the DMPLP which respectively seek to protect residential amenity, secure quality homes from conversions, ensure appropriate standards of space are met and avoid development adversely impacting on occupants and neighbours. It would also conflict with the SPD.

Other Matters

19. I understand the appellant's wish to make a viable and effective use of an existing dwelling by subdividing it to create additional self-contained flats to fund the refurbishment of the property. Making viable and effective use of dwellings is an objective which is encouraged by the Framework in Section 11 where it encourages the effective use of land. I acknowledge that this national policy objective makes the principle of extending existing houses acceptable. However, paragraph 122 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting and in the following section at paragraph 127 that the design of development must create places with a high standard of amenity for existing and future users. The appeal proposal would fail in both respects. Sustainable and effective use of the dwelling would not therefore outweigh the harm to the character and appearance and harm to living conditions as a result of the proposal.
20. I also acknowledge that the proposal would contribute to the provision of housing in Waltham Forest as required by *London Plan* Policy 3.3 but as stated above this proposal would fail the tests set out in Policy DM6 of the DMPLP necessary to justify the principle of conversions. It would also fail the qualitative tests in that policy to ensure provision of quality accommodation. Moreover, although it has been put to me that this would provide affordable housing, no mechanism is proposed to ensure that the flats would be made available as affordable housing as defined in the Framework.

Conclusion

21. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and understand the appellant's wish to secure the future of this dilapidated property. However, in proposing the creation of 3 flats within the property they would be creating residential accommodation of poor quality and which would have detrimental impacts on the character and appearance of the area and on living conditions of residents and neighbouring occupants. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR