



Appeal Decision

Site visit made on 24 November 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/U5930/W/20/3255520

First Floor 61-63A Hoe Street, Walthamstow, E17 4SA

- 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 Ms Sabrie Kastrati against the decision of the London Borough of Waltham Forest Council.
 - The application Ref 193711 dated 14 November 2019 was refused by notice dated 9 January 2020.
 - The development proposed is the construction of dormer roof extension to main rear roof, including installation of four roof lights to front roof.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of development used in the header above is that used in the Council's decision notice as it describes the proposal more accurately and concisely than that description given on the application form.

Main Issues

4. The main issue in this case is whether the development would provide satisfactory living conditions for the future occupants of the appeal property, having particular regard to the provision of internal and external amenity space.

Reasons for the Recommendation

5. The appeal property comprises a two-storey terraced dwelling which contains ground floor retail units and a residential unit within the first floor. It is located on the eastern side of Hoe Street within a town centre location. The appeal relates to the first-floor flat which currently consists of four bedrooms, a kitchen and a bathroom. On my site visit, I observed that the works had already begun.
 6. The existing flat currently has two double bedrooms and two single bedrooms which together could accommodate six people in total. The rear outrigger
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comprises a small kitchen with a gross internal floor area of around 8.3 square metres (sqm). The proposed addition of two new double-sized bedrooms within the loft could increase the number of occupants from six to ten. Although the appellant contends that the proposed bedrooms would be single occupancy and that it is expected that one of these bedrooms would be converted to communal living space, I must primarily assess the proposal as shown on the plans.

7. Policy DM7 of Waltham Forest Council's Development Management Policies Local Plan (the 'local plan') states that a six-person dwelling should have a minimum combined floor area of living, dining, and kitchen spaces of 31 sqm. In this case, the resultant flat would provide 8.3 sqm of communal kitchen space for potentially ten occupiers. Whilst the appellant states that the proposal would enhance living conditions by providing further habitable accommodation within spacious, bright bedrooms with adequate outlook, the future occupants would not have access to a sufficient amount of communal internal amenity space due to the small size of the kitchen and the lack of a living/dining room. Though I understand the development is designed to meet a specific demand, there would still be a requirement for some communal space and that shown would feel cramped for ten people. The development would therefore fail to meet the minimum floor area standards for internal amenity space.
8. The proposed increase in the number of occupants within the property would also exacerbate the need for outside space. I do not find that the public open spaces referred to would mitigate the lack of private external amenity space. Also, I note the property's location within a town centre and that the appellant highlights that neighbouring properties do not have outdoor amenity spaces. However, the need to provide at least some outdoor amenity space for the enlarged dwelling at the site should not be diminished by the conditions at other properties or its location. Although the appellant states that it is unlikely the proposed accommodation would attract families with children, I am not satisfied this means other occupants should be deprived of external amenity space as this kind of space is important for the well-being and living conditions of all individuals. Therefore, I find that the absence of provision of outdoor private amenity space would be unacceptable.
9. Given the above, the development would fail to provide satisfactory living conditions for the future occupiers of the appeal property in respect of the lack of sufficient internal and outdoor amenity space. It would therefore conflict with policy DM7 of the local plan which aims to ensure proposals provide satisfactory levels of amenity space. It would also not adhere to Policy CS2, CS13 and CS15 of the Core Strategy which together seek to ensure proposals are well-designed and contribute to the well-being of residents. I do not find that Policy DM32 of the local plan is directly relevant in this instance as it relates to ensuring existing occupants and neighbours have adequate access to light, outlook, privacy and refuse facilities. Likewise, Policy DM23 is not directly relevant as it mainly relates more specifically to the control of hot food takeaways and the promotion of everyday exercise.

Other matters

10. The supply of land and homes to meet a range of housing needs, as well as the use of airspace above existing accommodation must not result in the provision

of sub-standard accommodation or harm living conditions. In any case, I consider that the provision of two new bedrooms carries minimal weight and would not outweigh the harm I have identified.

Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR