



# Appeal Decision

Site visit made on 30 November 2020

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

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## Appeal Ref: APP/U5930/D/20/3254212

### 24 Crealock Grove, Woodford Green IG8 9QZ.

- 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 Mandy Maskell against the decision of the London Borough of Waltham Forest Council.
  - The application Ref 200250, dated 24 January 2020, was refused by notice dated 30 March 2020.
  - The development proposed is new detached garden room annexe replacing existing detached workshop/storage building.
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## Decision

1. The appeal is allowed and planning permission is granted for new detached garden room annexe replacing existing detached workshop/storage building at 24 Crealock Grove, Woodford Green IG8 9QZ in accordance with the terms of the application, Ref 200250, dated 24 January 2020, and subject to the conditions at Schedule A.

## Main Issue

2. The main issue is the effect of the proposed development and loss of the yew tree on the character and appearance of the host property and surrounding area.

## Reasons

3. Crealock Grove, where the appeal site is located, is a residential road of mainly 2 storey semi-detached houses constructed in brick and render and which sit in deep, well-landscaped gardens. Higham Park, which includes Crealock Grove, has been designated as an Area of Special Character and an Article 4 Direction has been put in place with effect from September 2020 removing certain permitted development rights principally that would affect frontage character. The Article 4 Direction does not therefore have any particular bearing on the appeal proposal.
  4. The rear garden to No 24 rises eastwards to a decked area and timber-built workshop/store set into trees and shrubs. The proposal would remove the existing building and construct a replacement garden annexe in its place. The building would be slightly narrower than the existing but slightly deeper and higher. The roof would be pitched rather than flat to accommodate a 'bedloft' but because the eaves line would be lower than the existing building with the pitch sloping back towards the tree line the building would not appear disproportionate and would be subordinate to the scale and mass of the main house. Moreover, the depth of the garden is such that the slighter larger footprint than the existing would have
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minimal impact on the garden area of the main house. The design and style, particularly the glazed folding door frontage to the annexe, would reflect the glazed rear elevation to the kitchen/living area of the main house and the annexe would have the appearance of a typical garden room. As such I am satisfied that it would not appear as a discordant addition to the property or incongruous in the development pattern of the area.

5. The slight increase in depth would result in the loss of an established yew tree on the plot boundary and a semi-mature holly immediately behind it. It has been put to me that the effect of this could not be assessed in the absence of an Arboricultural Assessment which was not submitted at the time of the application. As part of the appellant's appeal statement an Arboricultural Assessment incorporating a Tree Protection Plan and an Arboricultural Method Statement relating to the proposed development has been submitted. The loss of the yew would result in the opening up of the boundary planting but I am satisfied that the loss would not have a major impact on the character and appearance of the area. This is because the yew is set against higher evergreen trees on the rear plot boundary behind which it is proposed to retain and it is generally in a well landscaped context. As such the yew's removal would not be obvious, particularly in the glimpsed view of it from the Crealock Grove frontage. I accept it is always unfortunate when an established tree has to be removed not only because of its amenity value but also its biodiversity value and in this case there would be some conflict with *Waltham Forest Local Plan-Core Strategy* (WFLPCS) Policy CS5(M) and the *Development Management Policies Local Plan* (DMPLP) Policy DM35(G). However, provided there are replacement trees planted that will compensate and mitigate for the loss and enhance biodiversity and which can be implemented and controlled by condition, the loss of the yew, of itself, would not warrant dismissing the appeal.
6. The annexe would be more visible as a result of its increased height from the neighbouring properties at Nos 22 and 26 but, inasmuch as the annexe would be deep in the plot, set against the rear tree line which would be retained and at some distance from the properties, there would not be any significant impact. Moreover, as the proposal is to construct an attractively styled garden room in appropriate materials in place of a currently dilapidated structure there would be some visual benefit by improving the appearance of the rear garden to No 24. Finally, if I were to allow the appeal, it would be important that replacement trees of at least full standard size are planted which would enhance the garden setting to the new building.
7. The *WFLPCS* at Policy CS15 requires development to respect local context and local character. Similarly, the *DMPLP* at Policy DM29 requires proposals to reinforce local character and take account of patterns of development, form, detailing and materials etc. For the reasons above, the design of the proposed annexe would not harm the character and appearance of either the host dwelling or the surrounding Area of Special Character and would not be in conflict with these policies.

#### *Other Matters*

8. I have been invited to conclude that because the garden room annexe is designed to provide both a garden room and sleeping accommodation with its own shower, toilet and small kitchen area and given that there is side access to the rear garden, that there is the potential for it to be used as an independent dwelling. This would be inappropriate and contrary to DMPLP Policy DM4 regarding

development in back gardens. I agree that the use of the proposed outbuilding as an independent dwelling would be unacceptable. However, given its physical relationship to the main house and garden and the extremely narrow, restricted side access such a use would be unlikely. In any event, this is not what has been applied for and it is not proposed to use the accommodation as separate sleeping and living accommodation to the main house so Policy DM4(B) would not apply. It would be unreasonable to dismiss the appeal purely on the grounds of the building's potential misuse, particularly when the stated use is for family entertaining and family guest accommodation and it would be possible to attach a condition restricting the use to that which is solely ancillary to the occupation of the main house.

9. It has been put to me that the development would establish a precedent for construction of self-contained outbuildings in gardens that could be used as independent homes. However, for the reasons above, the site-specific circumstances and the control by condition that is possible to apply in this case, were I to allow the appeal, I am satisfied that it would not establish a precedent. In any event, any similar planning proposal would have to be assessed on its own merits.

### **Conditions and Conclusion**

10. The Council suggested standard conditions, which I have considered in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. The Council proposed the standard matching materials condition. However, this is only relevant in respect of the roof to the annexe as the walls are proposed to be timber clad and would not match the host dwelling. I have therefore adjusted the proposed condition.
11. In view of the trees framing the development and their importance to the landscaped character of the rear gardens it is important that those that can be retained as set out in the Tree Protection Plan are protected in line with the Arboricultural Method Statement submitted and that replacement trees for the loss of the yew and holly are planted. I have proposed two conditions to control these matters.
12. In view of the fact that the annexe is designed to provide ancillary sleeping accommodation with shower and toilet and is functionally self-contained it is important that its use is conditioned to ensure it is not occupied other than by family or guests of those resident in the main house. The use of the building independent from the main house would not be appropriate.
13. As this and the tree conditions were not proposed by the Council I have consulted both parties on these. Both are in agreement with the imposition of the conditions in the event the appeal is allowed.
14. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the garden annexe subject to the conditions set out in Schedule A.

*P. D. Biggers*

INSPECTOR

## **Schedule A – Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of approval.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 505/01; 505/02; 505/03.
- 3) The materials to be used in the construction of the external surfaces of the roof to the development hereby permitted shall match those used in the existing dwelling.
- 4) The development hereby permitted will be carried out in full accordance with the Tree Protection Plan and site-specific Arboricultural Method Statement set out in the Arboricultural Report dated 4 June 2020.
- 5) No works or development above ground level shall commence until a full specification of the proposed replacement tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions of the trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
- 6) The garden annexe hereby permitted shall not be used or occupied at any time other than as an annexe ancillary to the residential use of the main dwelling at 24 Crealock Grove, Woodford Green.