



Appeal Decision

Site visit made on 16 December 2020

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2021

Appeal Ref: APP/U5930/W/20/3254810

81 Southcote Road, Walthamstow E17 7AX

- 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 Jude Emmanuel against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 193718, dated 14 November 2019, was refused by notice dated 4 March 2020.
 - The development proposed is Proposed new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the banner heading above I have used the description of development from the planning application form, with the omission of the site description and address. In the Council's decision notice and appellant's appeal form the development is described as 'Subdivision of site and demolition of existing single storey side extension to construct a two storey 2 bedroom dwelling with single storey rear extension with associated steps to the rear'. I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development upon the character and appearance of the host property and the area;
 - the effect of the proposed development upon the living conditions of the occupiers of No 83 Southcote Road with particular reference to outlook;
 - the effect of the proposed development upon the living conditions of the occupiers of No 81 Southcote Road with particular reference to private external space provision;
 - the effect of the construction of the proposed development on the public highway; and,
 - whether the proposed development would facilitate a car free sustainable development that would encourage walking, cycling and the use of public transport.

Reasons

Character and appearance

4. While the surrounding area exhibits a mixed character and appearance, many of the nearby dwellings are within comprehensively planned distinct blocks resulting in them relating well to each other within those distinct blocks or groupings. The appeal site is half of one of two pairs of semi-detached dwellings, forming another such distinct group of dwellings. Notwithstanding the tapered single storey extension to the appeal site dwelling, the two pairs of dwellings retain some symmetry and relate well to each other due to the first floor widths and window positions, the bay windows and roof forms.
5. As a result of following a similar outer wall alignment as the existing tapered extension, the development would create a new dwelling facade significantly and uncharacteristically narrower than the other dwellings in the other semis. The close proximity and positioning of the porch and first floor windows would result in the features of the front façade of the new dwelling being uncharacteristically narrow and somewhat cramped in relation to those within the block which it would form part and be viewed closely in the context of.
6. Due to its height, scale, position close to the property boundary, outward tapering angle, and beginning significantly further forward than the neighbouring No 83, this blank angled elevation would become highly visible from the street scene above the side boundary wall. It would be significantly and detrimentally at odds with the existing character of the existing semi-detached dwellings which have square right angled walls on the first floor, and where present, above to the gable. Therefore, the development would be harmful to the character and appearance of the host property and the area.
7. Although No 83 is tapered, it is at right angles to the front of that part of the dwelling, so the taper has significantly less visibility from the street scene. Based upon the evidence before me, the Inspector's 2005 appeal decision does not represent a fall-back position available to the appellant. The exact nature and character of surrounding groups and blocks of buildings in the street scene at that time is not clear. Based upon the block plan I have been provided with in relation to that appeal, there have been newer distinctive blocks of developments since that time, which I have had regard to in reaching my decision. Furthermore, that development did not include the same arrangement of features on the front façade as this appeal proposal.
8. The 2005 decision is over 15 years old, pre-dating the current development plan policies and two versions of the Framework. Although there does appear to be some similarity in the aim of the policies at that time, I do not have full versions of them or the evidence before me that was available to that Inspector. For the reasons set out above I have come to a different view with respect to the effect of the development on the character and appearance of the area, at the time of my visit, in relation to the policies that are before me.
9. For the reasons set out above the development would be significantly harmful to the character and appearance of the host property and the area. Therefore, it would conflict with Policy DM29 of the Development Management Policies Local Plan (2013) (the DMPLP) and Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) (the CS). In combination and amongst other things these expect development to be of a high quality design and architecture

resulting in a visually attractive development that responds positively to its local context.

10. For the reasons set out above the development does not enhance the quality of area, provide a high quality design response and is not of the highest architectural quality having regard to local character, expected by Policies 3.5, 7.4 and 7.6 of the London Plan (2016), and Policies CS2 of the CS and DM7 of the DMPLP. I find these policies consistent with the National Planning Policy Framework (2019) (the Framework).
11. I have not been provided with Policy LP26 and am not aware of the relevance of Ashurst Drive referenced by the appellant. However, based upon the references I have been provided with, they would not alter my findings in relation to this main issue.

Living conditions – No 83

12. The development would be set approximately 2m further forward than part of the front wall of the neighbouring No 83. Its front façade is angled such that a first floor window appearing to serve a habitable room would face towards the appeal proposal. The development would be highly visible almost directly in front of part of that facing first floor window at significantly closer proximity than the existing gable wall. Such would be the close proximity, angle and height of the new gable wall, it would feel overbearing, having a significantly adverse effect on the outlook of No 83 when viewed from the facing window.
13. Based upon the evidence before me, No 83 was present when the 2005 appeal decision was issued. Although not raised as a main issue, the Inspector found the development resulted in no significant harm to the living conditions of adjoining residents. The evidence and the full policies before the Inspector in this regard are not clear. Based upon the evidence and the policies that are before me, for the reasons I have set out, there would be harm to the living conditions of the occupiers of No 83.
14. For the reasons set out above the development would result in harmful living conditions to the occupiers of No 83 Southcote Road with particular reference to outlook. Therefore, it would result in a conflict with Policy CS13 of the CS and Policies DM29 and DM32 of the DMPLP. In combination and amongst other things these require development addresses the impact of, maintains and provides satisfactory living conditions to neighbouring occupiers.
15. I have not been provided with Policies LP26 and LP30 referenced by the appellant. However, based upon the descriptions I have been provided with of them, they would not alter my findings in relation to this main issue.
16. The Council's reason for refusal refers to Policy CS15 of the CS. As this policy relates to the functionality and design of developments and the character and appearance of the area, it is of less relevance to this main issue.

Living conditions – No 81

17. The appeal site currently benefits from a good sized rear private garden space. The division between the two properties would provide the significant majority of the space to the new 2 bedroom dwelling. The 3 bedroom dwelling (No 81) would have approximately 30 square metres (sqm) of space. The private garden space should be of a size to provide suitable quality living conditions to

meet the needs of the occupiers of this size of dwelling, which could include a family with children. The dwelling would have considerably less than the minimum of 60 sqm of private amenity space for a 3 bedroom dwelling expected by Policy CS2 of the CS.

18. The 5m depth and limited overall size would provide only restricted opportunities for day-to-day leisure and domestic activities such as drying clothes, sitting outside, storage, play space, and gardening or landscaping opportunities. This limited amount of external space would not provide satisfactory living conditions, resulting in harm to the occupiers of the 3 bedroom dwelling. I have not been provided with substantive evidence of the size of the gardens in similar 3 bedroom properties nearby, so I cannot make a full and reasoned comparison with them. Even if some properties do have similar size gardens this does not demonstrate they provide a suitable standard of living conditions, having regard to the policies of the development plan and the evidence before me, and so does not justify allowing this appeal.
19. For the reasons set out above the development would result in harmful living conditions to the occupiers of No 81 with particular reference to outdoor private amenity space provision. Therefore, it would conflict with Policy DM7 of the DMPLP and Policy CS2 of the CS. In combination and amongst other things these require that housing is of a high quality design and a 3 bedroom dwelling should be provided with a minimum private outdoor amenity space of 60 sqm.

Construction Logistics Plan

20. The appeal site is located within a Controlled Parking Zone where parking is restricted to marked bays close to the dropped kerb around the corner of the highway in which the driveways of Nos 81 – 87 Southcote Road are concentrated. The appeal site has a shallow angular front garden and driveway providing very restricted space for parking and storage.
21. The scale of works is likely to require a significant amount of workers, materials and waste export over several months. The parking of construction and trade staff vehicles, delivery of materials and plant, and export of waste, would be likely to result in a significant number of vehicle movements including larger vehicles. Given the restricted nature of the front of the appeal site, the proximity of surrounding accesses, and the restricted parking, there is significant potential for conflicts, and harm to the safe and efficient operation of the highway. As a consequence, it may not be possible to construct the proposal in a safe manner, and so I am not assured this matter can be dealt with by a planning condition for this appeal proposal.
22. The submitted Outline Construction Logistics Plan (OCLP) outlines a vehicular route, local public transport connections and an 18 month build programme. There is no confirmation of, for example, the number of overall and daily vehicle movements, detailed material quantities and storage areas, measures to prevent and safely manage vehicles queuing outside the site, and precise safety measures to ensure no vehicle, cycle or pedestrian conflict.
23. The OCLP does not demonstrate the development could be constructed without having a significant adverse effect upon the public highway in proximity to the appeal site, with reference to highway conflict, safety and convenience. Therefore, the development would be likely to conflict with Policy 6.3 of the LP which requires the effects of development are fully assessed, and development

should not have an adverse effect upon highway safety. It would also be likely to result in a conflict with Policy CS13 of the CS, which seeks to create and develop healthy and sustainable places.

24. The Council's fifth reason for refusal refers to Policy DM32 of the DMPLP. However, as this mainly relates to the living conditions of occupiers and the provision of facilities for the storage, collection and disposal of waste, it is of less relevance to this main issue.

Car and permit free parking

25. Policy CS7 of the CS and Policies DM14 and DM16 of the DMPLP seek to promote sustainable travel by a number of means, including by promoting measures such as car capped developments and car free travel as well as preventing development from having a harmful impact upon sustainable transport modes. Based upon the evidence before me, there is no dispute between the parties that the development would require a planning obligation to secure a car or permit free development and that this could be secured through a suitably worded planning condition.
26. Therefore, subject to the imposition of a suitably worded condition the development would be compliant with Policy CS7 of the CS and Policies DM14 and DM16 of the DMPLP. In combination and amongst other things these policies seek to promote sustainable modes of travel, prevent development from having a harmful impact upon sustainable transport modes, and promote car capped and car free parking.

Other Matters

27. The appeal site is within a Zone of Influence (ZOI) of the European designated Epping Forest Special Area of Conservation (SAC). The Conservation of Habitats and Species Regulations 2017 (as amended) requires where a project is likely to result in a significant effect on a European site (in this case the SAC), the competent authority is required to make an Appropriate Assessment (AA) of the implications of that project on the integrity of the European site. If constructed, the appeal scheme would create a further dwelling within a short drive of the SAC. However, as the development is not proposing mitigation, or benefits to the SAC that would weigh in favour of the scheme, and I am dismissing this appeal proposal for other reasons, it is not necessary to look at this matter in detail.

Planning Balance

28. The development would result in the social benefit of providing a single dwelling in an accessible location, contributing to meeting the Council's housing requirement. Based upon the information provided in relation to the Housing Delivery Test, having regard to Annex 1 of the Framework, the tilted balance does not apply under paragraph 11d). Even if it did, a single new dwelling would make a small contribution to meeting housing requirements in accordance with paragraph 59 of the Framework. The development would make a more effective use of previously developed land and there would be some conformity with the objectives of Policies 3.3 and 3.4 of the LP and paragraphs 117 and 118 of the Framework. There would be a minor temporary economic benefit during construction, and once occupied a minor sustained

benefit to the local economy. These matters attract limited weight in favour of the scheme.

29. There is no substantive evidence to demonstrate the development would secure a net biodiversity or landscape benefit including through the suggested planning condition. Compliance with relevant policies in respect of matters such as landscaping, cycle parking, car parking, refuse storage and collection, and resource management and efficiency, would be neutral effects attracting neutral weight.
30. However, the policy compliance and the benefits of the proposed development would not outweigh the significant harm to the character and appearance of the area, the harmful living conditions to the occupiers of No 81 and 83 and the likely harm with respect to highway safety, conflict and convenience. These matters attract significant weight against the scheme, and significantly and demonstrably outweigh the benefits of the development when assessed against the Framework as a whole. The proposals would not amount to sustainable development under the terms of the Framework.

Conclusion

31. The proposed development would be contrary to the development plan and there are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR