



Appeal Decision

Site visit made on 7 December 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/U5930/W/20/3257028

104 Vicarage Road, Leyton E10 5DZ

- 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 Somani against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 193810, dated 21 November 2019, was refused by notice dated 3 February 2020.
 - The development proposed was originally described as: "Planning application to cover modifications & adaptations to No. 104 Vicarage Road. The works comprise; demolition of existing rear outbuildings, new build private residential dwellinghouse (C3 Use Class) to rear of site. With associated front & rear landscaping, boundary works & refuse and recycling works."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the living conditions of the occupants of neighbouring properties;
 - ii) whether the proposal would provide suitable living conditions for future occupants;
 - iii) the effect of the proposal on the character and appearance of the surrounding area; and
 - iv) whether the proposal would provide suitable access for emergency services.

Reasons

Living conditions – neighbours

3. In refusing planning permission, the Council refer to the effect on 36 Primrose Road. However, the proposed dwelling would abut the south east side boundary which forms the rear boundary for 38 Primrose Road. Accordingly, I have assessed the effect on this property.
4. Due to the depth and location of the proposed dwelling, the side elevation would span the vast majority of the rear boundary of No 38. In doing this, it would present a long brick wall to the boundary that would be demonstrably

longer than the span of the existing outbuilding. In addition, the provision of a pitched roof, albeit with a lower central section, would substantially add to the height and bulk of the proposed larger structure. As a consequence, the proposal would introduce a large and imposing building that would dominate the rear boundary of No 38. This would have the effect of substantially enclosing the boundary, harming outlook and creating an oppressive and overbearing structure when viewed from the neighbouring property. There is currently an outbuilding to the rear of the appeal site and adjacent to the shared boundary with No 38. However, this is a significantly smaller building that adjoins much less of the shared boundary. Accordingly, the proposed structure would have a significantly more harmful effect on outlook.

5. The proposal would also abut the shared boundary with 106 Vicarage Road. However, due to the depth of the garden serving this neighbour, the proposal would have a lesser enclosing effect. In addition, due to the layout of the proposal, the mass of the building would be noticeably reduced when viewed from this garden. Accordingly, I am satisfied that the proposal would not harm the living conditions for the occupants of No 106. The remaining garden serving No 104 would also be enclosed to a much lesser degree than that identified for No 38. As a consequence, I am satisfied that the occupants of No 104 would also not be unacceptably impacted.
6. However, for the reasons identified above, the proposal would have a significant effect on the outlook from the garden of No 38, a matter to which I attach substantial weight. Consequently, I conclude that the proposal would have a harmful effect on the living conditions of the occupants of this property. It would therefore fail to comply with Policies CS2 and CS15 of the Waltham Forest Local Plan, Core Strategy (2012) (CS) and Policy DM32 of the Waltham Forest Local Plan, Development Management Policies (2013) (DMP). Taken together, these seek amongst other things, high quality housing development which manages the impact of development on neighbours.

Living conditions – future occupants

7. The proposed dwelling would be arranged around a central courtyard garden which would be directly overlooked by the kitchen, living and dining area as well as bedroom 1. Additionally, bedroom 2 would have an outlook over a smaller rear garden thereby ensuring natural daylight. Accordingly, I find that this layout would make for an interesting and well-considered arrangement that would make good use of a small site.
8. Access to the proposed dwelling would be via a communal route which would also serve two other apartments. The route would require future occupants of the proposed dwelling to walk through two pedestrian doors and a gate to gain access. The pedestrian route would run adjacent to the gardens serving flats 1, 2 and 3 and would also provide access to these spaces. In addition, due to the restricted nature of the site, the same access arrangements would be required for future occupants to store bicycles.
9. I find that the proposed access would present a somewhat convoluted route for future occupants, particularly having regard to the location of the cycle storage. Nevertheless, despite the access arrangements being somewhat unconventional, the route would be level and the doors designed to enable bikes to be freely transported. Accordingly, I am satisfied that there is no

compelling evidence before me to suggest that living conditions for future occupants would be substandard.

10. As a consequence, I conclude that the proposal would provide suitable living conditions for future occupants. It would therefore comply with Policies CS2 and CS15 of the CS, Policies DM7, DM29 and DM32 of the DMP, Policies 3.5, 6.9, 7.4 and 7.6 of the London Plan (2016), and guidance contained within the London Plan Housing Supplementary Planning Guidance (2016), and the London Cycle Design Standards (2014). Taken together, these seek amongst other things, well-designed, sustainable housing growth.

Character and appearance

11. The appeal site forms part of the rear garden to 104 Vicarage Road. It is bounded on all sides by neighbouring gardens and is located within a strong perimeter block formed by the properties on Vicarage Road, Primrose Road, Park Road, and Grange Park Road. Despite this strong urban form, within the enclosed garden spaces are numerous outbuildings of a variety of sizes, including a two storey structure. Accordingly, the presence of substantial buildings beyond the established building lines is a common feature in the locality.
12. The proposal would replace an existing outbuilding. It would have a greater site coverage, however, it would remain as a single storey structure with a generous separation from the main frontage building. Due to the surrounding context, the proposal would continue to be experienced as one of a number of large outbuildings in the rear garden spaces. Although it would be used as a separate dwelling, it would be served by a pedestrian access, which although has shortcomings which I have identified above, would be inconspicuous amongst the gardens and would not generate vehicular comings and goings within an otherwise quiet space. Accordingly, I am satisfied that the building itself would not harm the character and appearance of the area.
13. In addition, based on the evidence before me, the proposed bin storage arrangement would be comparable in size and location to a recent approval on the same site. Although the storage would be prominently located and taller than the prevalent front boundary enclosures, on the basis that local policy has not changed since 2019, I find no reason to consider that the proposed storage would not be acceptable in the location proposed.
14. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. It would therefore accord with Policies CS6, CS13, CS15 and CS16 of the CS, Policies DM29 and DM32 of the DMP and guidance contained within the Council's Urban Design Supplementary Planning Document (2010). Taken together, these seek amongst other things, healthy, sustainable housing growth with well-designed waste storage facilities.

Access for emergency services

15. As identified above, the proposal would only provide pedestrian access. However, based on the evidence before me, the dwelling would be fitted with a sprinkler system and would be designed to be fully compliant with the Building Regulations on this point. In addition, the level access would also be designed to ensure that necessary medical assistance could be suitably provided if necessary. Accordingly, I conclude that the proposal would provide suitable

access for emergency services. It would therefore comply with Policy CS15 of the CS and Policy DM29 of the DMP. Taken together, these seek well-designed buildings.

Conclusion

16. I have found that the proposal would not harm the character and appearance of the surrounding area, that it would provide suitable living conditions for future occupants, and that it would provide suitable access for emergency services. However, such lack of harm is not the same as direct benefits, and consequently, they are primarily neutral considerations. Accordingly, the weight I give to them is limited.
17. However, I have also found that the proposal would harm the living conditions of the adjacent neighbour in Primrose Road, a matter which is of fundamental concern, and to which I attach substantial weight. As a consequence, this matter outweighs the more neutral considerations identified above. Accordingly, the appeal should be dismissed, and planning permission be refused.

Martin Chandler

INSPECTOR