



Appeal Decision

Site Visit made on 26 January 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

APP/U5930/D/20/3261697

62 Upper Walthamstow Road, London E17 3QQ

- 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 Gareth Shackleton and Richard John Andrews Ltd against the decision of Waltham Forest London Borough Council.
 - The application Ref 202289, dated 31 July 2020, was refused by notice dated 2 October 2020.
 - The development proposed is the demolition of an existing derelict outbuilding in order to erect a new proposed single storey garden studio outbuilding set away from the boundary line and including new sliding doors, flat skylight and sedum wildflower roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of site and the surrounding area.

Reasons

3. 62 Upper Walthamstow Road is a two storey semi-detached house, with a basement and accommodation in the roof, in an established residential area within which lie detached and semi-detached two-storey dwellings of varying design using traditional materials. Several of the buildings fronting Upper Walthamstow Road in the vicinity of the site have been altered, and the main roofs incorporate skylights and rear dormers. Overall, however, the buildings retain many of their original traditional design features and materials.
4. No 62 has a two storey outrigger projecting to the rear. The outrigger has a single storey ground floor extension with a pitched roof projecting from the rear elevation and a single storey extension with a flat roof projecting from the flank elevation. The flat roof acts as a terrace and has external steps which lead to the rear garden.
5. At the end of the rear garden lie two brick-built, conjoined single storey outbuildings, one with a tiled, pitched roof, and one with a flat roof. These buildings extend to the boundaries of No 62.
6. The gardens to the rear of the properties fronting Upper Walthamstow Road have mature planting and, whilst there are several outbuildings within these gardens, those that I observed during my site visit are generally of a modest scale. They have a traditional design and maintain a sense of openness and verdancy which contributes positively to the character of the area. The garden

- to the rear of No 62 backs onto the Greenway Avenue Community Garden, reinforcing the natural, green appearance of the immediate environment.
7. The proposal would replace the existing two conjoined outbuildings with a single storey rectangular flat-roofed building, fronted by a pergola, and set on a low plinth. The building would have a glazed front facing towards the house and the other walls would be clad in a mirror-finish material. It would incorporate a wildflower roof. The pergola would be of steel framed construction. The building would be set back from the boundaries of No 62 and a new fence, approximately 2 metres high would be erected on these boundaries.
 8. The footprint of the building would be smaller than the total of that of the existing buildings. The eaves height would be above those of the existing outbuildings although lower than the ridge of the pitched element of the existing roof. The set back from the boundaries would diminish any overbearing sense from the new building and pergola. Nonetheless, a significant portion of the upper walls would appear above the fences. The wildflower roof would provide a benefit in terms of biodiversity and soften the roof of the building, particularly in views from higher windows on the rear of nearby properties.
 9. The steel pergola would be constructed of large members and, whilst open, would have a substantial physical appearance, visually enlarging the massing of the proposal. Notwithstanding the existing verdancy of the rear gardens and the new hedges, which would provide a degree of screening, the increased perception of bulk and massing of the proposal in combination with the pergola, despite the softening effect of the wildflower roof, would result in a building of substantial appearance, out-of-keeping with the more modest scale of nearby outbuildings and open, natural, verdant environment of the garden setting and more traditional appearance of materials of buildings that predominate in the area.
 10. The proposed cladding would, of itself, attract attention and be an alien features in this environment. This inconsistency would be readily visible from the rear windows of nearby properties and adjacent gardens. Overall the proposal would neither harmonise nor contrast successfully with the character and appearance of the surrounding area and the resultant incongruity would, in this instance, amount to significant harm.
 11. The appellants have proposed the use of an appropriate planning condition to control materials used to finish the building, specifically the cladding. Such a condition would not address my concerns regarding the scale and massing of the building. Therefore such a condition would not make the proposal acceptable.
 12. I therefore find that the proposal would result in significant harm to the character and appearance of the site and the surrounding area and would, therefore be contrary to Policy CS15, and of Waltham Forest Core Strategy - 2012- (the Core Strategy) and Policies DM4 and DM29 and of the London Borough of Waltham Forest Local Plan Development Management Policies - 2013- (the DMP). This is because the policies require, amongst other things, that new development should respond positively to the local context and character, relate to the original 'host' building and respect the street scene and character of the area.

13. For similar reasons the proposal would also be contrary to the aims of the Waltham Forest Residential Extensions and Alterations Supplementary Planning Document -2010- (the E&ASPD) and Waltham Forest Urban Design Supplementary Planning Document -2010- (the UDSPD), which provide guidance on how to deliver the aims of the policies within the development plan.
14. Whilst referenced in the Decision Notice I do not find Policy CS2 of the Core Strategy, which relates to the provision of new homes or Policy DM32, which relates to protecting residential amenity, particularly relevant to the proposal.

Other Matters

15. My attention has been drawn to other outbuildings set within the rear gardens of properties in Upper Walthamstow Road. I have no information on the planning history of these, and some are located some distance away and do not form part of the immediate context of the proposal. Of those which I observed during my site visit, they appear to be constructed of traditional materials. I have, in any case, considered the proposal on its own merits.
16. There is dispute between the parties regarding the lawfulness of the buildings in planning terms. The appellants suggest that the existing buildings could be refurbished and that this is a realistic fallback position. They further suggest that replacement is more cost and time-effective than refurbishment.
17. Irrespective of whether the buildings have a legal right to be there, the existing buildings are predominantly constructed of tradition materials and I have no evidence before me to demonstrate that their scale and design, even following a refurbishment, would result in comparable, or greater, harm to the character or appearance of the site and the immediate area than that which I have identified above. Thus I do not consider that such a fallback scheme to refurbish would outweigh the significant harm that I have identified above. There is no evidence before me to demonstrate that the refurbishment works would be unviable in terms of cost or time and so I give this argument little weight.
18. I have also been referred to developments using mirror cladding. Whilst I accept that, in some locations, the use of such materials has proven acceptable, I have determined this appeal on its own merits and with regard to the particular site context.
19. The appellants consider that the buildings need refurbishment to help contribute to the provision of a family home. However, there is little substantive evidence before me that this could not be provided by an alternative development that would not result in the harm that I have identified to character of site and the immediate area.
20. The appellants have expressed dissatisfaction with the way in which the Council assessed their proposal. This, however, is a matter between them and the Council.

Conclusion

21. The proposed development would be contrary to the development plan and my conclusions in relation to the other considerations do not outweigh the harm which I have found. Accordingly, for the reasons given, the appeal fails.

I Dyer

INSPECTOR