



Appeal Decision

Site visit made on 7 April 2021

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 26 April 2021

Appeal Ref: APP/U5930/W/20/3259765

47-50 Forest Drive, Woodford Green, London IG8 9NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Marbeq Limited against the Council of the London Borough of Waltham Forest.
 - The application Ref 201739, is dated 11 June 2020.
 - The development proposed is *"Alterations and extensions at roof level to create two additional self-contained studio flats, with associated cycle and refuse stores at ground floor in front of the property"*.
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Decision

1. The appeal is allowed and planning permission is granted, for alterations and extensions at roof level to create two additional self-contained studio flats with associated cycle and refuse stores, at 47-50 Forest Drive, Woodford Green, London IG8 9NG, in accordance with the application, Ref 201739, dated 11 June 2020, subject to the conditions set out in the attached schedule.

Points of Clarification

2. The properties now known as Nos 45 and 47-50 Forest Road form a terrace of four flats and one 2-storey house. In the application, the address of the site is given as Nos 45-50 Forest Drive, and the red-lined site boundary is drawn so as to enclose all of those properties. From the other submitted plans however, it is clear that the proposed works are contained within that part of the site occupied by Nos 47-50. I have amended the site address accordingly.
3. In the application form, the proposed new units are described as studio flats. However, the submitted plans show one studio flat, and one 1-bedroom apartment. I have dealt with the appeal on this basis.

Main Issues

4. The Council's concerns are set out in their appeal statement. Taking these into account, together with the submissions received from other parties, I consider that the main issues in the appeal are:
 - whether the type of accommodation proposed is acceptable in principle, having regard to relevant planning policies on housing provision;
 - whether the proposed units would provide acceptable living conditions for future occupants;
 - the effects of the development on the area's character and appearance;
 - and whether the proposed arrangements for the storage of household refuse would be acceptable.

Reasons for Decision

Type of accommodation

5. The Council objects to the development on the grounds that it does not wish to see any more studio or 1-person flats in the Borough. In support of this position, the Council relies on Policy DM7 of the DMP¹. Although this policy is mainly concerned with internal and external space standards, it also states that the Council will not support studio or 1-person flats. The reasons for this stance, as set out in the DMP's accompanying text, relate to concerns about the quality and size of accommodation in the Borough, and impacts on living conditions and residential environments, including those of neighbours.
6. However, Policy DM7 is to be read alongside the development plan's other relevant policies, and those of the National Planning Policy Framework (the NPPF). In the Core Strategy², Policy CS2 seeks to facilitate sustainable housing growth and to maximise the number of quality homes in various ways. These include prioritising previously developed land, making efficient use of land, and optimising densities. The policy also seeks to create economically mixed and balanced communities with a range of home sizes and tenures. In the NPPF, paragraphs 59 and 61 emphasise the national need to boost the supply of housing, with a sufficient amount and variety to meet the differing needs of all sections of the community.
7. Viewed in this wider policy context, it seems to me that to suggest that Policy DM7 is intended to prevent the development of single-person accommodation would be overstating the case. The policy makes it clear that the Council's preference is for larger units, and by setting no space standards for studio or 1-person flats, it gives no encouragement to those forms of housing. But to my mind this does not amount to either a prohibition or a presumption against such development. To interpret or apply the policy in that way would be likely to restrict the Borough's ability to maximise housing provision, variety and choice. That approach would cut directly across the aims of Policy CS2, and would be inconsistent with key elements of national policy. I therefore consider that the proper approach to Policy DM7 in the present case is for it to be treated as neutral, weighing neither for nor against the appeal proposal.
8. I note the other matters raised in relation to this issue. It is argued that the proposed new flats would not be capable of being adapted to meet changing needs, but the same could be said of many larger units, including those designed for two persons or more. It is suggested that there is a lack of demand for single-person homes in the Borough, but this has not been substantiated, and in the context of the very high housing demand that is known to exist throughout London, it seems a somewhat unlikely claim. The site is said to be some distance from public transport or other facilities, but it is well within the built-up area, where housing is normally acceptable in principle.
9. I conclude that, in terms of the type and size of units proposed, the development would not involve any conflict with Policy DM7 or any other identified policy. On the contrary, the development would contribute to meeting the aims of Policy CS2 and the NPPF's policies on housing supply and housing choice. Overall, these considerations weigh in favour of the appeal.

¹ The Waltham Forest Development Management Policies Local Plan, adopted October 2013

² The Waltham Forest Local Plan Core Strategy, adopted March 2012

Living conditions

10. Internally, the proposed new flats would each provide a gross internal floorspace of 38.3 sq m and 42.8 sq m respectively. These sizes would satisfy the Nationally-Described Space Standards. The Council does not dispute that they would be adequate for a single occupant, and I see no reason to disagree.
11. Although the main windows would be confined to one side of the building, there would be at least one, and in some cases two full-height windows serving every habitable room. These would face south, with views towards open space and woodland. In addition, the living rooms of each unit would also have sloping rooflights on the opposite side of the building, offering an additional partial view over the street. To my mind, the two units would therefore receive adequate levels of natural light, and would enjoy a pleasant outlook.
12. Externally, the appeal building has an existing rear garden, which is currently shared between the four existing flats, and which will also be used by the occupiers of another new dwelling which has been permitted elsewhere on the site. With the two new flats now proposed, this communal amenity space would be shared by seven households. As set out in Policy DM7, the Council's preference would be for all new dwellings to have at least some individual private amenity space, and I do not disagree that this is highly desirable. But realistically, it seems unlikely that this aspiration can be met in all cases, especially given the equally important policy aims to maximise housing and optimise densities. In the present case, there is no evidence that satisfactory private outdoor spaces could be provided for the individual new units, either by a different layout or some other means.
13. In quantitative terms, the standards set out in DMP table 8.3 require a total amount of outdoor space, including both private and shared, of 10 sq m per bedroom. In the case of the appeal site, it appears that the seven dwellings on the site would have a total of 12 bedrooms, with the overall requirement therefore amounting to 120 sq m. On the appellants' measurements, the shared garden area available would be either 185 or 193 sq m. The discrepancy between these figures is not significant, as the overall requirement would be more than met on either basis.
14. The existing garden area provides a lawn, a shed, and some perimeter planting. At the time of my visit, I also saw a washing line and some children's play equipment. The space is well screened by fencing, and has a south-facing aspect. On the face of it, the communal garden appears able to provide adequately for the range of activities and functions that are likely to be required by occupiers.
15. I conclude that the proposed development would provide satisfactory living conditions for future occupiers, in general accordance with Policy DM7, and also with Policy DM32 which seeks to ensure good standards of light, outlook and privacy for occupiers.

Character and appearance

16. The proposed alterations to the roof would include the construction of a 'hip-to-gable' extension to the side, the addition of two dormer-style roof extensions to the rear slope, and the insertion of four rooflights in the front.

17. The gabled side addition would create an asymmetry between the roof styles at the two ends of the terrace. Viewed purely in isolation, I agree that the visual effect of this would be slightly jarring. However, similar side roof extensions are frequently carried out under permitted development, and consequently have become a common sight in urban areas such as this. Indeed, within a short distance along Forest Drive itself, and the adjoining streets of Forest Mount Road and Sky Peals Road, I saw numerous examples of this type of development. It therefore seems to me that, in this area, hip-to-gable roof extensions are an unremarkable feature. As such, this element of the development now proposed would not be unduly noticeable or harmful.
18. The dormer extensions would be quite substantial. But they would sit below the main ridge line, and well clear of both the verges and eaves, with a reasonable amount of separation between the two dormers themselves. The original roof form would therefore remain clearly legible. Seen from the rear, the dormers would make the terrace appear rather more visually assertive, but not unduly dominant. They would not be noticeable from the street. The combined effect of the gabled side extension and the dormers would be to make the rear elevation somewhat unbalanced, but not to such an extent as to cause significant harm. The front rooflights would be unobtrusive, and have not been objected to.
19. Overall, I consider that the proposed alterations and extensions at roof level would be visually acceptable and would cause no material harm to the area's character or appearance. In this regard, the development would satisfy Policy CS15 of the Core Strategy, which seeks to secure high standards of design, reinforcing local character and distinctiveness.

Household refuse storage

20. At the time of my visit I saw that household wheelie bins belonging to the appeal site were being kept on the pavement. From the submissions of local residents, it seems that this is not untypical. For whatever reason, it appears to me that the existing arrangements for refuse storage are inadequate, and a source of dissatisfaction.
21. The proposed scheme would provide a new bin storage area at the front of the site, with communal bins and some form of screened enclosure. This would have the advantage of enabling all of the refuse bins, including those for the existing flats as well as the new ones, to be kept clear of the street and largely out of sight. To my mind there can be no doubt that the development offers the opportunity to introduce some form of more formalised arrangement, which would potentially be a significant improvement over the existing situation.
22. The Council questions whether the scheme as submitted allows for sufficient capacity, and the answer to that question is as yet not known. In addition, it is not clear whether any alterations would be needed to the existing front garden steps or levels, to allow easy access. The new bin store would also be close to No 50's front door and windows, and this relationship might benefit from some further consideration. But there seems no reason to suppose that these issues could not be resolved through a more detailed scheme for the waste storage area. I therefore agree with the appellants that the matter of refuse storage can be left to be dealt with by way of condition.

23. On this basis, I consider that the proposed development is capable of meeting the relevant requirements of DMP Policy DM32, with regard to refuse storage and collection facilities.

Other Matters

24. I note the other matters raised by local residents. I appreciate that the amount of on-street car parking is limited, but that problem is not unique to this site. Whilst any new development is likely to increase the pressure on the available space, there is no evidence that the area has reached the point where it cannot accommodate just two more small dwellings. The issues cited with regard to the building's stability and state of repair do not appear to be planning matters in this case. Nor are any issues relating to private rights of way; such rights are not affected by the grant of planning permission.

Conditions

25. A condition is needed to specify the approved plans, in order to give certainty as to what has been approved. A condition relating to materials is necessary to ensure a satisfactory appearance. A restriction on the hours of construction work is reasonable in the interests of neighbours. A requirement for the design to limit water usage is justified in order to comply with Core Strategy Policy CS4(H). A condition to secure improved refuse storage facilities is both necessary and reasonable, for the reasons given elsewhere in this decision.
26. Of the other conditions suggested by the Council, a condition governing new boundary treatments is unnecessary, as none appear to be proposed or needed. A requirement to approve a construction logistics plan, would be excessive for such a small development, and is not needed to satisfy any of the policies cited. Details of sustainable drainage are not justified, because the development relates to an existing building. The suggested condition relating to highway reinstatement is unnecessary, as other powers are available to deal with any damage to the highway. The proposed requirement for highway works is unjustifiable, as the defects in question would appear to be already existing. The suggested condition relating to carbon emissions relies on the Code for Sustainable Homes, and since this has now been withdrawn, the condition as proposed does not appear to be enforceable.

Conclusion

27. For the reasons set out above, I conclude that the proposed development would accord with the relevant provisions of the development plan. It would also provide two units of housing, which would benefit the local housing stock. No material considerations have been identified which weigh against the development.
28. Having taken account of all the matters raised, I find nothing else to alter these conclusions. The appeal is therefore allowed.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans:
 - 670-PL-100 Rev P1 Proposed Ground Floor
 - 670-PL-101 Rev P1 Proposed First Floor
 - 670-PL-102 Rev P1 Proposed Second Floor
 - 670-PL-103 Rev P1 Proposed Roof Plan
 - 670-PL-200 Rev P1 Proposed Section AA
 - 670-PL-300 Rev P1 Proposed Front Elevation
 - 670-PL-301 Rev P1 Proposed Rear Elevation
 - 670-PL-302 Rev P1 Proposed Side Elevation
- 3) The materials to be used on the external surfaces of the proposed development shall match those of the existing building.
- 4) Construction works on the proposed development shall take place only between the following hours:
 - Mondays – Fridays: 08.00 – 18.00
 - Saturdays: 08.00 – 13.00
 - Sundays and Bank or Public Holidays: none
- 5) The development shall be designed and fitted out to meet a water use target of no more than 105 litres per person per day. No new dwelling on the site shall be occupied until water-saving measures to achieve this target have been implemented, in accordance with a scheme to be submitted to the local planning authority and approved in writing.
- 6) No new dwelling in the development shall be occupied until facilities for the storage of household refuse, for both the proposed and existing residential units on the site, has been implemented in accordance with a scheme to be submitted to the local planning authority and approved in writing.

[END OF SCHEDULE]