



Appeal Decision

Site Visit made on 4 May 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/U5930/W/20/3256181

46 Capworth Street, Leyton E10 7HA

- 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 Miss May Hartley against the decision of Waltham Forest London Borough Council.
 - The application Ref 200012, dated 16 December 2019, was refused by notice dated 3 April 2020.
 - The development proposed is "Change of use of ground floor from hair salon (Class A1) to 1 x 1 bedroom flat (Class C3). Construction of single storey rear extension and installation of three roof lights to existing rear infill extension. Construction of a front porch and alterations to front of property including installation of two ground floor windows, front door and boundary wall".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development in the banner heading from the Council's decision notice, as this accurately describes what the proposed plans show and is clearer and more concise than the appellant's description in the application form, which fails to clarify that a new residential flat is proposed. The appellant has used this amended description of proposed development in their appeal form, confirming that this is the development for which planning permission is being sought.

Main Issues

3. The main issues in this appeal are: (i) whether the proposal would provide acceptable living conditions for its occupants, with particular regard to ventilation, outdoor space, outlook and daylight; and (ii) whether the proposal would be capable of providing acceptable bicycle storage facilities.

Reasons

Living Conditions

4. The proposed one-bedroom two-person flat would benefit from windows on its front elevation, into the main living/kitchen area. Three roof lights would serve the corridor leading from the main living/kitchen area through to the double bedroom and bathroom at the rear. The bathroom would have a small window opening on the rear boundary elevation and the bedroom would have a window and door opening into an existing shared outside area. The proposal would

therefore have sufficient opportunities to be adequately ventilated.

5. The outside space associated with the proposed flat already exists and would continue to be shared with a neighbouring flat. It would be enclosed by single storey walls to the north and east and the two storey rear elevation of the main building to the south, with close views into another neighbouring property's outside space and windows to the west. It would not therefore comprise private outside space, and at 5 sq.m. in area, it would be inadequately small. The value of this area of outside space would be unacceptably low.
6. Despite good outlook to the front from the main living area, outlook from the remainder of the proposed flat would be extremely poor, and limited to views from one window and door in the bedroom, which would open into the small, enclosed outside area shared with a neighbouring flat. In close proximity and directly opposite that window and door would be the existing window and door serving the neighbouring flat, allowing no real sense of privacy. It would therefore be likely that any occupants of the proposed flat would seek to obscure the sole bedroom window most of the time, exacerbating the sense of enclosure and an unacceptably poor outlook.
7. The proposed layout would be dictated by the long and narrow nature of the site, relying as it would on a corridor to connect the main living area to the bedroom and bathroom. This corridor would be unusable for any other purpose, and therefore, the net benefit of any daylight from its three rooflights would be limited. Due to the enclosed nature of the shared outside area, I am unconvinced that the proposed bedroom would receive much in the way of daylight from its one window between these areas, leaving the bedroom dim, uncomfortable, and reliant on artificial lighting most of the time.
8. I am therefore satisfied that the proposed flat would provide opportunities for acceptable levels of ventilation to its occupants; however, the overall design of the proposal and standard of living space created would remain extremely poor for the reasons I have given.
9. The proposed development would therefore fail to provide acceptable living conditions for its occupants. As such it would be contrary to Policies CS2, CS13 and CS15 of the Core Strategy¹ and Policies DM7, DM29 and DM32 of the DMP². These policies require, amongst other things, new development to incorporate high quality and sustainable design, ensuring daylight, outlook and amenity are maintained for occupants, with one bedroom flats needing access to a minimum of 10 sq.m. of well-designed private external amenity space.

Bicycle Storage

10. The documents accompanying the application suggest storage space accessed off the internal corridor would be used for storing bicycles, but the appellant's statement suggests bicycle storage space could be provided at the front of the site, next to the proposed refuse storage area. The proposed plans do not provide any clarification on this point, and although the internal storage space would not appear to be capable of easily accommodating a bicycle, there are a number of different bicycle sizes and storage options available. The appeal site also includes outside areas which would be capable of accommodating covered

¹ Waltham Forest Local Plan – Core Strategy 2012

² Waltham Forest Local Plan – Development Management Policies 2013

secure storage for at least one bicycle, as is necessary for a flat of this size.

11. I am therefore satisfied that the proposals could provide acceptable bicycle storage facilities. These could be secured by condition. The proposal is therefore capable of complying with Policy CS7 of the Core Strategy and Policy DM16 of the DMP, which seek to encourage cycling and refer to minimum cycle parking standards.

Other Matters

12. The appellant has identified benefits associated with the proposed development, including the provision of housing and employment generation. Any employment opportunities generated during the implementation of the proposed development would be minimal and short-term, replacing employment opportunities associated with the existing commercial use. Although the proposed development would contribute towards meeting housing demand, the benefits of this small contribution would be significantly outweighed by the harm caused to the living conditions of future residents.

Conclusion

13. The proposed development could be well-ventilated and capable of providing acceptable bicycle storage facilities for its residents, but the living conditions of those residents would remain poor due to a lack of access to acceptable levels of daylight, outlook and well-designed outside space. It is for these reasons that the appeal should be dismissed.

L Douglas

INSPECTOR