
Appeal Decision

Site Visit made on 10 August 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/U5930/W/21/3268952

84 Markhouse Road, Walthamstow E17 8BG

- 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 Y Irfan against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 202935, dated 25 September 2020, was refused by notice dated 10 January 2021.
 - The development proposed is described as 'Demolition of existing garage and part demolition of existing rear ground floor flat for the construction of No.1 studio flat including soft landscaping and refuse storage'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal application was decided, the London Plan (2021) has been published and is now part of the development plan. The previous policies have therefore been replaced. I have sought representations from both parties in relation to the London Plan, but none were received. However, in this case, I can rely on the policies contained within the Local Plan¹ and Core Strategy². This is because they accord, in relation to the issues in this case, with the approach of the more general London Plan policies.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Both parties were invited to provide representations in relation to the revised Framework, but none were received.
4. The Council's appeal representations refer to The Draft Local Plan (DLP), which they state underwent Regulation 18 public consultation between July 2019 and September 2019. The Council state that the DLP has been submitted for examination. Given its early status I afford the DLP little weight in the consideration of this appeal.
5. The address listed on the application form refers to 84 Markhouse Road. However, there are two properties located at the appeal site. 84 Markhouse Road, which is the existing ground floor flat and 84a, which is the first and second floor flat.

¹ London Borough of Waltham Forest Development Management Policies Local Plan 2013

² Waltham Forest Local Plan Core Strategy 2012

6. The Council's second reason for refusal outlined that insufficient information had been provided to allow a full assessment of the proposed development in relation to the standard of accommodation proposed, particularly in relation to the proposed first floor. This was because the original plans submitted to the Council did not include a plan showing proposed alterations to the first floor. The appellant has provided additional plans with this appeal which show the proposed first floor layout.
7. In considering the acceptability of these additional plans, I have had regard to the Wheatcroft³ principles. The additional plans do not fundamentally alter the proposed development from that which was originally consulted on by the Council. Therefore, I have considered this appeal on the basis of the additional plans and no party is prejudiced by this approach.
8. In considering the additional plans provided, the Council has confirmed that the proposed development meets the minimum floorspace requirements. However, the Council allege that the plans submitted show that the existing unit provides 3 bedrooms. As such, the Council has raised a new issue pertaining to the alleged impact of the proposed development upon the Borough's stock of larger homes. The appellant has been provided with the opportunity to respond to this new issue. As such, I have included this consideration as a main issue in relation to this appeal.
9. The Council's third reason for refusal related to the alleged failure to demonstrate how refuse would be collected from the appeal site. The appellant submitted a unilateral undertaking (UU) with this appeal to secure provision of appropriate refuse collection. On this basis, the Council has confirmed that the UU has addressed the third reason for refusal. In the absence of any evidence to the contrary, I am satisfied that the provision of the UU addresses this matter.

Main Issues

10. The main issues are as follows:

- The effect of the proposed development upon the character and appearance of the appeal site and surrounding area.
- The effect of the proposed development upon the Borough's stock of larger housing.

Reasons

Character and Appearance

11. The proposed development includes the demolition of the existing detached rear garage and erection of a single storey studio flat to the rear of the appeal site, adjacent to Markhouse Passage. The development also includes demolition of an existing two storey out-rigger to allow for the provision of outside space for the proposed studio flat and the existing ground floor flat at No 84.
12. Markhouse Passage is a private lane to the rear of the appeal site, which provides access to the rear of properties fronting Markhouse Road and Springfield Road. Markhouse Passage is characterised by a mixture of development. The Springfield Road side of the Passage is less extensively

³ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

developed, generally comprising the rear gardens of residential properties, with sporadic outbuildings associated with these properties. On the Markhouse Road side of the passage, there is a greater accumulation of development. This includes extensions to ground floor retail uses (including storage) as well as various residential outbuildings and annexes associated with existing dwellings. During my site visit I noted there was one dwelling fronting Markhouse Passage, directly adjacent to the appeal site, at 82 Markhouse Road.

13. The proposed studio flat would comprise a building of a similar scale to the existing single storey garage and would retain a flat roof. In this regard it would remain as a subservient feature when viewed in conjunction with No 84a and No 84a. However, additional fenestration and a front door would be accommodated within the elevation fronting Markhouse Passage. As such, the proposed studio flat would clearly present as a dwelling, in contrast to the vast majority of development on Markhouse Passage. Therefore, the development would have an appearance which would significantly jar with the character of the surrounding area. Indeed, the siting of a dwelling in this location would be completely at odds with the prevailing pattern of residential development in the surrounding area, with dwellings predominantly fronting Markhouse Road and Springfield Road.
14. I accept that there is a dwelling to the rear of 82 Markhouse Road, which is directly adjacent to the appeal site. This dwelling is two stories in comparison to the single storey unit proposed in this case. However, as the Council point out, the circumstances under which this building was developed are unclear. There is no evidence before me to demonstrate that this building benefits from planning permission. In any event, in terms of local character, this neighbouring dwelling stands out in isolation and its presence does not justify the harmful impact that the proposed development would cause.
15. The proposed development would also result in the removal of an existing two storey outrigger, which provides living accommodation at first floor level for No 84a and at ground floor level for No 84. Given the varying scale and layout of two storey and single storey rear extensions on Markhouse Road, I do not consider the existing outrigger to constitute a particularly characteristic feature of surrounding character. Indeed, during my site visit, I noted that the proliferation of development within and surrounding the site is such that the rear outrigger was barely visible from Markhouse Passage. For these reasons, its removal would not be harmful to the character of the surrounding area. Nonetheless, this does not outweigh the harm that the proposed studio flat would cause to the character and appearance of the surrounding area.
16. The proposed development would therefore be harmful to the character and appearance of the surrounding area. As such, it would conflict with Core Strategy Policies CS2 and CS15 and Local Plan Policies DM4 and DM29. Together, these policies require that development is of a high-quality design, which is in keeping with local character. Local Plan Policy DM7 and Core Strategy Policy CS13 are not relevant to this main issue.

Effect on the Stock of Larger Housing

17. Local Plan Policy DM6 states that the Council will not permit the conversion of larger homes to smaller self-contained homes in certain instances, including where the gross internal floor space of the original dwelling is less than 124sqm or where the dwelling is located within a Restricted Dwelling Conversion Ward.

The additional plans submitted by the appellant indicate that the existing first and second floor flat currently comprises a floorspace of 84.81sqm. The dwelling is also located within a restricted dwelling conversion ward as defined at Figure 7.1 of the Local Plan.

18. The supporting text to Policy DM6 provides the rationale for the policy and refers to the significant pressures placed on the Borough's stock of larger homes, in particular family housing stock, by conversion to smaller dwellings and houses in multiple occupation, amongst other things. It is clear from the supporting text, and indeed the Council's appeal representations, that the primary issue of concern relates to the loss of family housing.
19. Whilst not applicable to the proposed development, Part B(ii) of Policy DM6 is useful, as it sets out criteria for what might be considered a suitable family dwelling. These criteria clearly indicate that a family dwelling should provide accommodation on the ground floor, with access to a dedicated rear garden. Having visited the site, the existing standard of accommodation would not be suitable for a family dwelling. The existing first and second floor unit has no provision of floorspace at ground floor level and no access to private outside space.
20. Notwithstanding this, the policy text itself does not refer to family housing and refers to 'larger homes'. However, another relevant consideration is the standard of accommodation currently provided, in terms of the room which would be lost as a result of the proposed development. The first floor room shown on the plan (to be removed) was not in use as a bedroom at the time of my site visit. Furthermore, I noted that the room is very small and is constrained by an en-suite bathroom with an angled partition wall. As such, it does not currently provide a suitable standard of accommodation as a bedroom. Therefore, its loss would not have a significant impact upon the standard, or amount, of accommodation currently provided.
21. Taking all of these factors into consideration, the proposed development would not result in the loss of a larger dwelling. As such, it would not conflict with Local Plan Policy DM6. Neither would it conflict with Core Strategy Policy CS2, which also seeks to resist the loss of larger homes.

Other Matters

22. The Council's appeal representations refer to Local Plan Policy DM16, which seeks to effectively manage parking and ensure the provision of safe and attractive parking facilities. The Council has highlighted that the Highway Authority did not object to the development on the basis that the appellant would agree to securing a car-free development, through a legal agreement. The appellant has submitted a UU with this appeal, aimed at addressing this matter. However, given that I am dismissing the appeal on other grounds it is not necessary for me to consider this matter in detail.
23. The proposed development would result in a net increase of one dwelling on a previously developed site. As such, there would be social and economic benefits associated with the increase in local housing stock. This is consistent with the Government's objective of significantly boosting the supply of homes, as set out at Framework Paragraph 60.

24. I do not consider that the proposed development derives any significant benefit with regard to optimal housing densities, although I accept that there would be some benefit in increasing the amount of private outside space for the occupiers of the existing ground floor unit. Insufficient evidence has been provided to demonstrate that there would be any benefits derived from any improvement in living conditions for existing or neighbouring occupiers.
25. Whilst there would be benefits associated with the development, these would be limited, given the small scale of the development. As such they can only be afforded moderate weight and they do not outweigh the harm that I have identified.

Conclusion

26. Whilst I have found that the proposed development would not result in the loss of a larger dwelling, this lack of harm does not outweigh the harm which the development would cause to the character and appearance of the surrounding area. As such, the proposed development conflicts with the development plan taken as a whole. There are no other material considerations which outweigh this harm. I therefore conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR