
Appeal Decision

Site visit made on 14 September 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 OCTOBER 2021

Appeal Ref: APP/U5930/W/21/3268666

16 and 18 Borthwick Road, Stratford, London E15 1UD

- 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 and Mrs A L, and Mr and Mrs S J Pitkeathly against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 193876, dated 9 September 2020, was refused by notice dated 10 August 2020.
 - The development proposed is described as 'redevelopment of the piece of land between nos. 16 and 18 Borthwick Road to produce a new dwellinghouse'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change.
3. The new London Plan 2021 (LP2021) was published on 2 March 2021. It replaces previous versions of the London Plan and can be given full weight. In terms of policies relevant to this appeal, there have been no material changes in LP2021 from those contained in the Intend to Publish (December 2019) and Publication (December 2020) versions of the plan. No party has been prejudiced by me proceeding with the appeal in light of this change in policy.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development would provide an acceptable standard of living accommodation for future occupiers, with particular regard to internal space standards; and,
 - The effect of the proposed development on the living conditions of the occupiers of No 16 Borthwick Road, with particular regard to the size and quality of the retained outdoor amenity space.

Reasons

Character and appearance

5. Borthwick Road predominantly consists of 2 storey dwellings of varied architectural design that are situated on a consistent building line behind modest front gardens. The appeal site relates to the gap between Nos 16 and 18 Borthwick Road, which are end-of-terrace dwellings. The terraces on the southern side of the road are of simple design, featuring brick external walls and tiled, pitched roofs with side gables. The gaps between the buildings contribute positively to the character and appearance of the street scene by providing openness and visual relief in this urban area. In this regard, the gap between Nos 16 and 18 Borthwick Road enables views between the terrace blocks of the sky and vegetation, which breaks up the built mass on the street frontage.
6. The proposed dwelling would infill the gap between Nos 16 and 18 Borthwick Road. The design approach would be contemporary, featuring an elongated powder coated metal window on the front elevation. The front elevation would be finished in brickwork at ground floor, and the first floor and pitched roof would be finished in standing seam zinc cladding. The rear elevation would feature a brick single storey projecting element. The first floor would be finished in render and the second floor would be finished in standing seam zinc cladding. The flat roofs of the ground and first floors would have green roofs.
7. I acknowledge that the proposed dwelling would be subordinate to the adjoining properties due to its set back from the front walls and the set down of the pitched roof from the adjoining ridgelines. Furthermore, the proposed contemporary design approach and materials would provide some variety to the appearance of the buildings. In this respect, I find that the design approach of the front and rear elevations would be acceptable. Nevertheless, the proposal would largely eliminate the gap between Nos 16 and 18. Despite the materiality of the elevations and the setting back of the dwelling, the proposal would significantly erode the existing sense of openness and result in the built form appearing cramped and oppressive in the street scene. The nearby street tree would provide some screening, however this would be limited.
8. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy 2012 (the Core Strategy) and Policy DM29 of the London Borough of Waltham Forest Local Plan Development Management Policies 2013 (the DMP). Amongst other things, these policies seek high quality design from all new housing development, and state that new development should respond positively to the local context and character.

Standard of living accommodation

9. The appeal scheme proposes a 3 storey, 2-bedroom (4 person) dwelling. Table 3.1 of the LP2021 does not set out a minimum gross internal floor area (GIA) for this type of dwelling. Nevertheless, the minimum GIA for a 2 storey (2-bedroom, 4 person) dwelling is 79 square metres. The appellant states that the GIA of the proposed dwelling measures 79.5 square metres and there is no substantive evidence before me to doubt this. The size of the double bedrooms and built-in storage space would also meet the standards detailed in Policy D6

- of the LP2021. Furthermore, the proposed ground floor plan shows that the main living area could accommodate a typical arrangement of furniture.
10. The Technical Housing Standards – nationally described space standard (the NDSS) requires that for 75% of the floor area of a dwelling its floor to ceiling height should be a minimum of 2.3 metres, while Policy D6 of the LP2021 substitutes 2.5 metres for 2.3 metres as the minimum floor to ceiling height. The London Plan's more onerous floor to ceiling height requirement being intended to address London's 'heat island' effect and the fact that most housing developments in London are made up of flats.
 11. The proposed cross-section drawings show that the floor to ceiling heights range from 2.4 metres to 2.6 metres, which would exceed the minimum standards set out in the NDSS. Regarding the standards set out in the LP2021, the Council has not identified any conflict. A sizeable proportion of the main living area and the second floor bedroom would have floor to ceiling heights in accordance with the LP2021 (measuring 2.6 metres and 2.5 metres respectively). Given that the appeal scheme is for a dual-aspect house, I am satisfied that it would benefit from sufficient ventilation and cooling. Furthermore, the arrangement of windows and rooflights would provide good levels of natural lighting and outlook to the habitable rooms. Having regard to the above factors, I find that the internal living arrangement would not be cramped, and it would provide acceptable living conditions for future occupiers.
 12. Regarding the external amenity space provision, Policy DM7 of the DMP states that a minimum of 50 square metres of private amenity space should be provided for one and two bed houses. The Council states that the proposed rear garden would provide an outdoor amenity area of 48.29 square metres. Whilst this would fall short of the standard, it would do so by a very small amount, and I am satisfied that the layout and configuration would provide a functional outdoor amenity space for future occupiers.
 13. For the above reasons, I find that the proposed development would provide an acceptable standard of living accommodation for future occupiers. The proposal would therefore accord with Policies CS2, CS13 and CS15 of the Core Strategy, Policies DM7, DM29 and DM32 of the DMP, Policy D6 of the LP2021 and guidance in the London Plan Housing Supplementary Planning Guidance 2016. Amongst other things, these policies aim to ensure that all new residential development is of the highest quality both internally and externally.

Living conditions of No 16 Borthwick Road

14. No. 16 Borthwick Road has been previously extended to become a 4-bedroom dwelling. Policy DM7 of the DMP sets out a requirement of 70 square metres of private outdoor amenity space for a dwelling of this size. The Council states that the proposal would result in the rear garden being reduced in size to 47.72sqm, whereas the appellant indicates a figure of 62sqm. It appears that the difference in calculations is due to the appellant including the summerhouse and conservatory as part of the garden and the Council excluding them.
15. Whilst the size of the retained garden would be below the standard set out in Policy DM7 of the DMP, the plot would be comparable to the width and depth of neighbouring terraced properties in the vicinity, and the summerhouse and conservatory at No. 16 are typical of the structures seen on neighbouring plots. The property would retain a rectangular, south-facing garden and I find that

this would provide an adequate outdoor amenity area for the occupiers of the property.

16. For the above reasons, I find that the proposal would not cause significant harm to the living conditions of the occupiers of No. 16 Borthwick Road, with particular regard to the size and quality of the outdoor amenity space. Whilst there would be some conflict with Policy DM7 of the DMP, it would accord with the underlying objectives to ensure that external amenity space is well-designed, appropriately located, and useable. The proposal would accord with Policies CS2, CS13 and CS15 of the Core Strategy and Policy DM32 of the DMP, which, amongst other matters, aim to ensure that all new residential development is of the highest quality both internally and externally.

Conclusion

17. The proposed development would provide acceptable living conditions for future occupiers and it would not cause significant harm to the living conditions of the occupiers of No. 16 Borthwick Road. Nevertheless, the proposal would harm the character and appearance of the area.
18. The proposed development would make efficient use of the site, with a small contribution of one dwelling towards housing supply in an accessible location close to shops, services, and passenger transport facilities. Furthermore, the proposal would be required to comply with modern energy efficiency standards set out in the development plan, which could be secured by a planning condition. However, I find that these factors would be outweighed by the harm to the character and appearance of the area.
19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR