



Appeal Decision

Site Visit made on 12 October 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2021

Appeal Ref: APP/U5930/W/21/3270484

7 Monoux Grove, London E17 5BS

- 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 Pentagon Property Group against Waltham Forest London Borough Council.
 - The application Ref: 202913, is dated 24 September 2020.
 - The development proposed is the demolition of garage and erection of two-bedroom dwellinghouse adjacent to No. 7 Monoux Grove.
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Decision

1. The appeal is dismissed, and planning permission for the demolition of garage and erection of two-bedroom dwellinghouse adjacent to No. 7 Monoux Grove is refused.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area;
 - whether appropriate living conditions would be secured for the future occupiers of the development in respect of internal and external space; and
 - the effect of the development upon highway safety.

Reasons

Character and appearance

3. The appeal site consists of an end of terrace dwelling. The terrace in which the appeal site is located is of a relatively short length. This terrace is replicated on the opposite side of the road. An important characteristic of the appeal site and the surrounding area is the presence of gaps between buildings. This gives the surrounding area a more open and suburban character.
4. The proposed development would result in an extended terrace, which would encompass the open area to the side of the existing dwelling. This would result in an erosion of the more open character of the surrounding area. This would be particularly apparent as the proposed development would be much nearer to the side boundaries of the appeal site thereby emphasising the loss of the more open character.

5. In addition, the design of the dwelling is such that there would be minimal setbacks of the front and rear elevations. In result, the front of the proposed dwelling would, from a number of vantage points, be viewed as a continuation of the existing terrace.
6. In result, this would create an elongated terrace that would have notably greater proportions than the existing terrace. This is a concern given that the terrace in which the appeal site is located is immediately opposite a similarly proportioned row of houses.
7. Furthermore, the pattern of development within the surrounding area is such that the rear elevation of the proposed development would be close to part of the rear boundary of the appeal site, and the side boundary. In result, the proposed dwelling would be incongruous given that it would diverge from the character of the surrounding area where dwellings typically have a greater separation distance from the rear boundary.
8. Given that it is possible to view these two terraces simultaneously, particularly from the junctions between Monoux Grove and Billet Road and Douglas Avenue, the proposed development would result in a terrace that would appear to be discordant. Moreover, it would be strident.
9. Whilst some of the end-of-terrace dwellings in the surrounding area have previously been extended, these are generally small-scale and do not have the same effect on the character and appearance of the surrounding area as the appeal proposal would have. The proposed development would result in the replacement of the existing garage. However, the proposed development would have a greater mass. Therefore, the garage's presence does not allow me to forego my previous concerns.
10. My attention has been drawn to Policy DM23 of the Waltham Forest Local Plan – Development Management Policies (2013) (the Local Plan). However, I am unable to give this policy a significant amount of weight in my consideration of this specific main issue given that it pertains primarily to the effects of a development upon health.
11. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy CS15 of the Waltham Forest Local Plan – Core Strategy (2012) (the Core Strategy); Policies DM4 and DM29 of the Local Plan and the Urban Design Supplementary Planning Document (2010) (the SPD). Amongst other matters, these seek to ensure that developments give strong recognition to local distinctiveness; respect the streetscene; and be of a high standard of design.

Living conditions

12. The appeal proposal would contain a dwelling with two bedrooms. There would be an irregular shaped garden to the rear.
13. As a two-bedroom dwelling, there is a likelihood that the house would be occupied by a family. My attention has been drawn to Policy DM7 of the Local Plan. The supporting text to this policy specifies that a two-storey dwelling with two bedrooms should have a minimum area of 82 square metres. The floorspace of the proposed dwelling would fall below this level.

14. This raises a concern as the lack of space is likely to diminish the ability of residents to undertake the full range of activities normal within a family dwelling. Furthermore, the lack of space is likely to reduce the ability of residents to store everyday household items.
15. The appellant has suggested that the appeal proposal should be assessed against the criteria to provide 61 square metres of internal floor space. However, the supporting text to Policy DM7 is clear that this should only be applied in the case of a single-storey dwelling. Therefore, this criterion does not apply to the scheme before me.
16. In addition, the relatively limited garden size to the rear of the proposed dwelling is likely to diminish its effectiveness as a venue where private outdoors recreation, or play might take place. The amount of space available for such activities would be further diminished in the event that the garden is, from time to time, utilised for normal household activities, such as the drying of washing. Given the nature of the development, there appears to be a reasonable likelihood that this might take place.
17. In addition, the proposed development would be sited away from the nearest area of public open space. This lack of convenience would diminish the ability of residents to seek alternatives for the lack of recreation space within their own dwelling. Furthermore, even if residents were to make use of the nearest area of public open space, this would not serve as an adequate alternative for all types of recreation and outdoors play owing to its lack of privacy.
18. I therefore conclude that the proposed development would not provide an adequate level of private recreation space. The development, in this regard, would conflict with the requirements of Policies CS13 and CS15 of the Core Strategy and Policies DM7, DM23 and DM32 of the Local Plan. Amongst other matters, these seek to ensure that new developments create healthy communities; incorporate high quality and inclusive design; that developments be of the highest quality both internally and externally; secure appropriate living conditions; and promote everyday exercise.

Highway safety

19. The proposed development would feature a driveway running from Monoux Grove. This would be of a relatively narrow nature and includes a turning area. Monoux Grove features several trees within its pavements and also some pavement parking.
20. Although a turning area has been provided, this would require a relatively convoluted manoeuvre to be undertaken in order to enter and leave the driveway in a forward gear. In result, there is a likelihood that residents will either reverse onto, or off, the driveway.
21. This is problematic as if leaving the site in a reverse gear, the presence of trees and other parked cars is likely to diminish the ability of drivers to observe oncoming pedestrians and other road users, including other motorists and cyclists. In addition, owing to the provision of the car parking space parallel to the road, a complex manoeuvre would still be required.
22. Furthermore, owing to the layout of the proposed development, other road users would not necessarily have sufficient advance warning of vehicles leaving the appeal site as it would be relatively discreet.

23. This means that should a vehicle leave the appeal site; other road users might not have sufficient time to take avoiding action. Therefore, the proposed development has the potential to increase the level of conflict between the motorists using the appeal site and other road users, including pedestrians and cyclists. This would therefore result in an erosion of highway safety.
24. Although the appeal site currently contains a garage, the manoeuvre to enter or leave the highway would be less complex and therefore could be undertaken without the same adverse effects that the appeal proposal would have.
25. In reaching this view, I have had regard to the National Planning Policy Framework (the Framework), which is clear that developments should not have an adverse effect upon the level of highway safety.
26. Whilst I have noted the potential for cycle storage to be located within the development, owing to the nature of the site's location, private cars might still be required for some journeys. Therefore, the likelihood of vehicle movements associated with the development cannot be discounted.
27. I therefore conclude that the proposed development would have an adverse effect on highway safety. The development, in this regard, would conflict with the requirements of Policies CS13 and C15 of the Core Strategy; Policies DM15, DM16, DM23 and DM32 of the Local Plan; and the Framework. Amongst other matters, these seek to ensure that new developments make pedestrian and cycle routes safer; create a safe and accessible environment; are not injurious to highway safety; and have safe access.

Other Matters

28. The proposed development is unlikely to lead to an adverse effect upon the living conditions of the occupiers of neighbouring properties. Whilst this is a matter of note, it is only one of all the issues that must be considered. Therefore, this does not outweigh my previous comments.
29. The appellant, in submitting the planning application, was attempting to overcome a previous refusal of planning permission. However, in considering the appeal scheme, I have identified several breaches of planning policy from which harm would emanate. In result, I am unable to give this point a significant amount of weight in my assessments.

Conclusion

30. The proposed development would have a significant adverse effect upon the character and appearance of the surrounding area and highway safety. In addition, the development would not secure suitable living conditions for the future occupiers. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed, and planning permission refused.

Benjamin Clarke

INSPECTOR