



Appeal Decision

Site visit made on 12 October 2021

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021.

Appeal Ref: APP/U5930/W/21/3270717

7 Forest View Avenue, Leyton, London E10 6DX

- 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 Richard Rains against the decision of London Borough of Waltham Forest Council.
 - The application Ref 203438, dated 6 November 2020, was refused by notice dated 11 February 2021.
 - The proposed development is for demolition of existing garage and construction of a new build three bedroom family home.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon the character and appearance of the area and the impact of the proposal upon the living conditions of neighbours.

Reasons

3. The appeal property is an end of terrace house on the corner of Forest View Avenue and Fulready Road. The house is currently rendered and sports an elaborate neo gothic style corner bay tower feature as it turns the corner into Fulready Road. Fulready Road is characterised by terrace houses that appear to be good examples of Edwardian residential suburban architecture.
4. Predominantly these houses are characterised by various architectural elements consistent with this period. These include a mix of Flemish bond red brick work, render, front gabled bay windows, classical pedimented mullions and pilasters and Mock Tudor roof details. Most houses also front the street with a low boundary wall or boundary landscaping giving separation from the road.
5. The site of the proposed new dwelling is located on the site of an existing, near derelict garage that sits at the foot of the existing garden of number 7 Forest View Avenue. I consider that this garden is typical of corner properties in such areas where the rear gardens can be seen from the street extending to the rear before other properties continue. In this case the properties continue from number 1 Fulready Road whose rendered gable is around 1.8m from the site of

the proposed dwelling. There is a single window to this gable which I understand serves a staircase and as such does not serve a habitable room.

Impact Upon the Character and Appearance of the Area

6. I consider that the character and appearance of those properties along Fulready Road is notable due to the quality of architectural details, proportions and materials that contribute to the creation of what I consider is an attractive Edwardian street. The proposal, according to the Appellant's Design Statement, deliberately attempts to stand alone and contrast with this character and as such there appears to be little relationship between the proposed house and that of the terrace properties along the road.
7. In assessing this design response, I agree with the parties that such a contemporary architectural approach can work and that, arguably, trying to reflect the high quality articulation and architectural details of the existing terrace houses would not necessarily be achievable.
8. However, I also consider that such an approach should at least take some cues from its surrounding context for it to be fully successful. Such a response would typically at least tend to reflect the overall proportions, dimensions and proportional fenestration patterns that predominate in the area. Such an architectural approach can allow a contrasting modern building to integrate well while being obviously contemporary.
9. In this case however, Although I accept that there is merit in the linear, horizontal forms used in the first floor overhang, and although the proposed dwelling will indeed be lower overall than that of the surrounding houses, I consider that the overall proportions, width, scale and massing of the proposed building will ultimately be in conflict with this character.
10. For instance, although the proposed building will sit lower than other neighbouring properties, the height of the proposed house would still be higher than the eaves height of the adjacent terrace. This is significant as it will have the effect of allowing the proposed building to appear much more dominant within the street scene, even though it is lower than the ridge height of the adjoining house. Moreover, the fenestration patterns intentionally ignore the more vertical and well proportioned emphasis of the Edwardian terraces and instead deliberately create openings that make the building appear more bulky thereby increasing its appearance as a building of increased scale and massing.
11. Added to this the overall width, which is significantly greater than that of the nearby terrace houses, and the slight protrusion of the building forward of the building line of Fulready Road, the proposal will have the effect of making the building appear much more dominant in the street scene than I consider would necessarily be desirable. The cantilevered first floor will also compound this harm through enhancing the perception of overall size of this building.
12. I consider that the overall design therefore ultimately represents a poor response to its context and whilst not suggesting in any way that a proposed building upon this site should be architecturally similar to its neighbours, I consider that it should at the very least go some way to respect the proportions, width, scale and eaves heights of its immediate context. Through its failure to do this the proposed building would appear as an excessively

large, dominant and bulky structure whose overall appearance would be a poor contrasting architectural response to its context.

13. As such I consider that the proposal before will be in conflict with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM29 of the Waltham Forest Local Plan Development Management Policies (2013).

Impact of the Proposal Upon the Living Conditions of Neighbours.

14. In considering the impact of the proposal upon the living conditions of neighbours, I consider that there are two sub issues to be addressed. Firstly there is the issue of potential overlooking and the response of the proposal to the Council's Supplementary Urban Design guidance (SPG)¹ on privacy. Secondly, there is the issue of whether the proposed new dwelling would appear over dominant in relation to the living conditions of neighbours.
15. Firstly, although I note the Council's concerns over the proposal not meeting the minimum distances between habitable room windows as suggested within the SPG, I consider that the high level first floor bedroom window would not have the same function as that of a full height window serving a similar habitable room. This is due primarily to the fact that it is not the sort of window that future occupant's would seek to look out of. Therefore direct overlooking would not occur from the host property and neither would it be possible for the occupants of 7 Forest View Avenue to see within the bedroom to any great extent.
16. Moreover, I notice that this window would be a secondary window and that the Appellant's suggestion that this could be obscured would remove any possibility of overlooking. Therefore I do not consider that the inclusion of such a window at first floor on this side elevation is in conflict with the Council's SPD.
17. In considering the impact of overlooking upon the ground floor windows, I agree that the distances between those windows on the first floor of number seven, and those of the ground floor of the proposed house would be under 20m. However, I consider that development in such areas should primarily reflect the dimensions that characterise the wider area. In this case I consider that there are few distances within this area that would actually meet the Council's SPD guidance and that there are many windows within the area that are within 20m of each other.
18. Therefore I consider that any overlooking would be oblique and limited to views from upstairs windows that could be mitigated by planting to be agreed. When based upon the overriding character of the area therefore I consider that a distance of up to 16m, along with the proposed screen fence would be sufficient to protect the living conditions of neighbours from such overlooking from first floor windows.
19. Despite this, the proposed house will occupy an area of former garden and introduce a much larger structure than that of the existing garage. Due to the proposed height of the new dwelling I consider that there would be some overbearing impact from the structure and that this impact would be made

¹ Policy 5.9.2 of the Urban Design Supplementary Planning Document February 2010

worse through not only the proximity of the property to 7 Forest View, but also through the proposed height of the structure being higher than the eaves level of its neighbours.

20. Therefore, although I recognise that this design is an improvement on its predecessors and although I agree that the proposal would not impact upon the living conditions of neighbours through overlooking or over shadowing, I do consider that the scale and mass of the building would have an adverse impact upon the living conditions of neighbours through its over dominant appearance. As such I consider the proposal would fail to meet Policies CS13 and DM32 of the Waltham Forest Core Strategy (2012) and Local Plan Development Management Policies (2013).

Conclusion

21. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR