



Appeal Decision

Site Visit made on 8 November 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2021

Appeal Ref: APP/U5930/W/21/3274731

28 Salisbury Road, Leyton E10 5RG

- 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 Mohammed Sheikh against the decision of Waltham Forest London Borough Council.
 - The application Ref 202969, dated 24 September 2020, was refused by notice on 10 December 2020.
 - The development proposed is described on the application form as to demolish existing side extension which houses kitchen bathroom and shed also to build on parcel of land in front, to construct a two bed double storey dwelling house to be known as 28a Salisbury Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the Council's Decision Notice is not dated, the appeal form refers to 10 December 2020 as the decision date. This corresponds with the sign-off date given in the Council's Delegated Report. I shall determine the appeal accordingly and am content that no party with a potential interest is prejudiced by me doing so.
3. Since the determination of the application that is now the subject of this appeal, the London Plan 2021 has been published. The main parties to this appeal have had opportunities to comment upon any relevance of this to the outcome of the appeal.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon the living conditions of neighbouring residential occupiers at No 27a Salisbury Road (No 27a), having particular regard to light and outlook;
 - Whether or not acceptable living conditions would be provided for existing and future residential occupiers on-site, having particular regard to the intended internal living arrangements and the availability of private garden space; and

- The effect upon travel choices, having particular regard to the future availability of parking permits.

Reasons

Character and appearance

5. The appeal property (No 28) addresses Salisbury Road at an angle. It makes up part of a short row of residential properties (Nos 26-29 Salisbury Road) (the row) that are similarly orientated and set upon staggered front building lines. A variety of plot layouts, development footprints, roof forms, architectural details and external-facing materials comprise the row, such that a mixed residential character and appearance can be observed at and in immediate proximity to the site.
6. Whilst the proposed dwelling would be noticeably narrower in width when compared to the built elements of No 28 to be retained, it would incorporate various architectural features to promote assimilation. The delineation of the new dwelling's front building line would suitably reflect the staggered formation of the row and, within a wider area typified by terraced housing, the intended infilling of the gap between Nos 27a and 28 would have an acceptable impact upon the streetscene. Moreover, given the existence of various tightly dimensioned single plots within the row and close by, the intended sub-division of the site would not lead to an unduly dense or cramped form of development.
7. For the above reasons, the proposal would not cause harm to the character and appearance of the area. The scheme accords with Policy CS15 of the Waltham Forest Local Plan Core Strategy (March 2012) (the CS) and Policy DM29 of the Waltham Forest Local Plan Development Management Policies (October 2013) (the DMP) in so far as these policies set out that new development should respond positively to the local context and character.

Living conditions – neighbouring occupiers

8. No 27a is a detached property that is located adjacent to the appeal site. A private garden space is set out to its rear, which is addressed by a set of sliding glazed doors, that are located close to the boundary with the appeal site, as well as by a further window opening at ground floor level. The scheme involves development at full two-storey height. A noticeable difference in the delineation of rear building lines (when the proposed dwelling is compared to No 27a) would apply.
9. Reference is made in the appellant's evidence to No 27a having a utility room that leads to a single opening door and to this room not being a habitable area. Nevertheless, however the room that is served by sliding glazed doors is currently utilised, the scale and composition of the opening dictates that it likely provides a valuable source of light and outlook for No 27a's occupiers. It has not been clearly substantiated otherwise.
10. Whilst the proposal would have limited implications as regards the availability of light and outlook at first floor level, it would promote a sense of enclosure being experienced from internal areas of No 27a at ground floor (most particularly via the aforementioned set of glazed doors) and from the adjacent external garden area. Also, owing to the orientation of the site, the scheme would be reasonably anticipated to block a considerable degree of natural light

from entering parts of the external grounds and internal areas of No 27a. It has again not been clearly substantiated otherwise.

11. For the above reasons, the proposal would cause harm to the living conditions of neighbouring residential occupiers at No 27a having particular regard to light and outlook. The scheme conflicts with Policy CS13 of the CS and Policy DM32 of the DMP in so far as these policies require that new development should ensure that daylight/sunlight and outlook is maintained for existing occupants and their neighbours in their homes and gardens.
12. For the avoidance of doubt, the Residential Extensions and Alterations Supplementary Planning Document (February 2010) (the SPD) is intended to provide guidance for persons wishing to extend or alter their home. On the basis that a new dwelling is under consideration, the SPD is of limited relevance to my considerations.

Living conditions – on-site occupiers

13. As set out in the description of development, a two-bedroomed dwellinghouse set over two storeys is under consideration. This description is consistent with the proposed plans that are before me. Whilst the appellant has asserted that the scheme is aimed at single occupiers who may want to work at home, there is no guarantee that the property would ultimately be occupied under such arrangements. Thus, the suitability of the intended internal living space should be rightfully considered based on the dwelling being two-bedroomed.
14. The Council has set out that, in accordance with the London Plan and published technical housing standards, a minimum gross internal floor area of 70 square metres should be achieved for a two-bedroomed property containing three bed spaces. In the absence of clear or convincing justification to the contrary, I am suitably content that this is the correct standard to apply. Whilst I am satisfied that acceptable floor to ceiling heights would be achievable, clear non-compliance with the 70 square metre floorspace standard applies. It thus follows that, based on the dwelling's realistic potential to accommodate up to three occupiers, cramped and sub-standard internal living conditions would avail.
15. An extract from a newspaper article has been provided in support of the appellant's case, which refers to planning permission having been granted elsewhere in the Borough for 300 co-living homes with some of the units being just 16 square metres in area. However, it is difficult to draw parallels between the appeal proposal and major development consisting of flatted units and centred upon the delivery of shared space. This other scheme is thus of limited relevance to my considerations.
16. No 28 is to be reduced in size via the removal of an existing side extension. Whilst the main parties have offered differing floor area calculations, the combined floor area illustrated to be provided for living, dining and kitchen spaces would, in broad terms, roughly correspond with the minimum 23 square metre standard that applies via Policy DM7 of the DMP. However, no replacement kitchen or toilet/washroom facilities are shown on the proposed floor plans. Whilst a potential option to locate such facilities externally has been referenced by the appellant, it has not been clearly demonstrated that such works would necessarily occur, nor that a satisfactory extent of general internal living space would ultimately prevail for No 28's occupier(s). This is

based on the fair assumption that kitchen and toilet/washroom facilities would need to be provided in some capacity.

17. Minimum external space standards are set out in the supporting text to Policy DM7, where it is indicated that a minimum of 50 square metres of private amenity space should be provided for both No 28 and the proposed dwelling. It is also set out that a flexible approach shall be taken when applying the external space standards, with matters including the character of the area and the accessibility of parks and green spaces capable of being considered.
18. The appellant has clarified that it is his intention to sub-divide the existing rear garden for separate private use by occupiers of the existing and proposed on-site properties. Such an arrangement and the associated boundary treatment details could be secured via condition should the appeal be successful.
19. I observed the existing rear garden to provide a well-enclosed and readily useable space. It is also of greater total area than the 30 square metres suggested by the Council. When factoring in the prevalence of small garden spaces nearby and the realistic walkability of local parks/green spaces, I am satisfied that a suitable level of provision would be provided for existing and intended future occupiers of the site.
20. For the above reasons, whilst satisfactory private garden space would be provided, unacceptable living conditions would be created for existing and future on-site residential occupiers having particular regard to the intended internal living arrangements. I thus identify harm. The scheme conflicts with Policies CS13 and CS15 of the CS and Policies DM7 and DM32 of the DMP in so far as these policies aim to ensure that all new residential development is of the highest quality both internally and externally.

Travel choices (parking)

21. Policy DM16 of the DMP promotes the provision of safe and attractive parking facilities by encouraging car-free and car-capped development in locations that are highly accessible by public transport, are accessible to opportunities and services and/or have high levels of parking stress. The site is located within a Controlled Parking Zone (CPZ), which offers the potential for a car-free development to be implemented should appropriate measures be put in place to restrict the issuing of parking permits.
22. To my mind, as the site occupies a highly accessible CPZ location likely to be subject to high parking demand, I find that thorough justification should accompany any proposal to introduce a new housing unit in the absence of a suitable mechanism (a legal agreement) to restrict the future issuing of parking permits. The appellant has suggested that the requirements of Policy DM16 should not be applied to electric cars. However, no such distinction is set out in the relevant sections of the policy. In any event, it could not be guaranteed that future occupiers of the new dwelling would own (an) electric car(s).
23. For the above reasons, in the absence of an appropriate mechanism to restrict the future issuing of parking permits (or satisfactory justification otherwise), the proposal would be likely to cause harm through promoting unsustainable travel choices. The scheme conflicts with Policy CS7 of the CS and Policy DM16 of the DMP in so far as these policies promote sustainable travel by managing parking requirements effectively across the Borough.

Other Matters

24. In terms of the scheme's benefits, one additional residential unit would be created, and the National Planning Policy Framework (July 2021) reaffirms the Government's objective of significantly boosting the supply of homes. However, one additional unit of housing would not make a noticeable difference to the Borough-wide housing supply situation and is a benefit that attracts limited weight. Indeed, the scheme's benefits would be modest and would not outweigh the multiple harms and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

25. Whilst I have found the proposal to be acceptable in a character and appearance sense, I have identified harm and associated policy conflict in the contexts of the living conditions of neighbouring and on-site occupiers and likely travel choices. These harms are the overriding considerations in this case. Thus, for the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR