



Appeal Decision

Site visit made on 8 March 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/U5930/W/21/3276128

706A High Road Leyton, Leyton, E10 6JP

- 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 Khan, London Portfolio Group Ltd against the decision of London Borough of Waltham Forest Council.
 - The application Ref 202960, dated 28 September 2020, was refused by notice dated 30 November 2020.
 - The development proposed was originally described as “retention of as built detached outbuilding for storage use”.
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Decision

1. The appeal is allowed and planning permission is granted for detached outbuilding for storage use at 706A High Road Leyton, Leyton, E10 6JP in accordance with the terms of the application, Ref 202960, dated 28 September 2020 and the plan numbered 17-168-AB01 Rev A.

Preliminary Matters

2. At my site visit, I noted the outbuilding (“the building”) had been erected, as originally described in the description of development. I have dealt with the appeal on that basis.

Main Issue

3. The main issues are the effects of the development on (i) the character and appearance of the area, and (ii) living conditions of neighbouring occupiers, with regard to light to the garden of 7 Abbots Park Road.

Reasons

Character and appearance

4. The appeal site is the garden of 706A High Road Leyton. The building stands at the rear of No 706A’s garden and adjoins the rear of several residential gardens of dwellings on Colchester Road, High Road Leyton, and Abbots Park Road. It is not visible from public areas, other than in a long-distance view of its door from Colchester Road.
5. The building is a red brick structure with no windows, a felt flat roof, and an access door of pedestrian proportions. Access to the building is gained via an alleyway with gated access from Colchester Road. The design of the building reflects its use as a storage building independent of the residential use of No 706A. Such development would not normally be of a suitable character in an area of residential gardens.

6. The building is the full width of the garden and extends to its rear boundary, abutting fences on three sides. The height of the building exceeds that of the fences of the surrounding gardens, but the fences soften its visual impact by visually breaking up the mass and bulk of the building. There is no fence between the building and No 706A's garden, but it does not appear unduly large from the rear of buildings on High Road Leyton, where it is seen at a distance at the end of the gardens.
7. The Council note that not many gardens currently contain outbuildings, but have compared the building to 2.5m high structures which could be erected in other gardens where they benefit from permitted development provisions. Although the appeal site does not benefit from permitted development rights, at 2.76m in height the building is only slightly higher than those which could be built in other gardens in the vicinity. It is also lower than the taller full-width outbuilding in the rear garden of 1 Abbots Park Road.
8. The building is therefore of a scale and design which would not normally be acceptable in a residential area, but its location at the rear of the gardens on all sides, the adjoining boundary fencing, and the separation between the building and dwellings in the vicinity, limit its visual impacts. It is not the only large building, or the only full-width garden building, and does not appear unduly bulky or dominant when viewed from No 706A's garden.
9. At my site visit, I saw that the access to the building was narrow and would not therefore be used by vehicles. I have seen no evidence that use of the building would be, or has been harmful to the character of the area, or with regard to noise or any other matter.
10. I therefore consider the development is not harmful to the character and appearance of the area and accords with Waltham Forest Local Plan Core Strategy (Core Strategy) (2012) Policy CS15, with respect to well-designed buildings, and Waltham Forest Development Management Policies Local Plan (Development Management) (2013) Policy DM29 with respect to design principles.
11. I have not found Core Strategy Policy CS2, which relates to housing growth, or Development Management Policy DM4, which relates to residential outbuildings, to be relevant as the development is not a residential building. For the same reason, neither is the Residential Extension and Alterations Supplementary Planning Document (2010) relevant.
12. The Council also state that the building is contrary to its Urban Design Supplementary Planning Document (2010), but have not stated which provisions they consider it to be contrary to.

Living conditions

13. The building runs along the northern boundary of 7 Abbots Park Road's rear garden. It abuts the boundary at a height the Council and the appellant agree to be 2.76m. However, given the location of the building north of No 7's garden, and its height as a single storey building, any loss of light into the garden is very limited.
14. I therefore find the development does not harm the living conditions of neighbouring occupiers with regard to light to the garden of 7 Abbots Park Road. It therefore accords with the relevant provisions of Core Strategy Policies

CS13 and CS15, which relate to light and well designed buildings, and Development Management Policies DM29 and DM32 which relate to design principles and impacts on neighbouring occupiers.

15. I have not found Core Strategy Policy CS2, which relates to housing growth, or Development Management Policy DM4, which relates to residential outbuildings, to be relevant as the development is not an ancillary residential building. For the same reason, neither is the Residential Extension and Alterations Supplementary Planning Document (2010) relevant to the appeal.

Conditions

16. The Council have suggested no conditions. As the building has been erected and completed, I agree that no conditions are required.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Peter White

INSPECTOR