



Appeal Decision

Site visit made on 1 April 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

Appeal Ref: APP/U5930/W/21/3285454

8 Manor Road, Leyton E10 7AL

- 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 Andreas Christodoul Ides against the decision of Waltham Forest London Borough Council.
 - The application Ref 203701, dated 2 December 2020, was refused by notice dated 22 April 2021.
 - The development proposed was originally described as 'Demolish existing Workshop/Store/Office, erect new 2-bed detached dwelling on land rear of 8 Manor Road, E10 7AL with associated refuse and cycle storage.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect on the living conditions of neighbouring occupants, with respect to outlook;
 - Whether the proposal would provide an acceptable standard of accommodation;
 - Whether it is necessary for the development to be car-free, having regard to existing parking pressure in the area.

Reasons

Character and appearance

3. The appeal relates to land to the rear of 8 Manor Road, which is physically separated from the dwelling on the land and contains a dilapidated single storey structure, indicated to have been used as a builder's yard, together with significant amounts of building materials and waste scattered across the external parts of the site. Access is gained through a makeshift structure to the side of the dwelling.
4. The proposed dwelling would replace the existing structure. It would occupy a slightly smaller overall footprint, with a shallow hipped roof. A narrow strip of less than two metres would separate the rear wall from the site boundary. To the front would be a garden area.

5. The existing site has fallen into a dilapidated state, compounded by the build-up of building materials and waste strewn around the site. Both in terms of its former use and current condition, the site detracts from the character and appearance of the area, which is predominantly residential in use.
6. Nonetheless, the existing development is an exception to the general pattern of development to the rear of Manor Road, which is characterised by mature, residential gardens. Some of these have outbuildings, but not of a comparable size to the existing structure on the appeal site. Consequently, the existing development is uncharacteristic in terms of its location and form. I also did not see, nor have I been made aware of, any comparable development of dwellings in rear gardens within the immediate area.
7. The proposal would create a form of backland development with a detached dwelling behind and directly facing the rear of No 8. It would be accessed only by the pedestrian route to the side of No 8. It would not appear as a consistent part of the street scene, but would interrupt the pattern of development in a conspicuous and jarring manner, in much the same way as the existing structure.
8. However, the existing development, although in poor condition, is quite effectively screened by the high boundary walls and several tall, mature trees which stand within the site, limiting views to the upper floors of No 8 and its immediately adjoining dwellings and going some way to mitigating its harmful appearance. These trees would be removed to make way for the development. As a result, the site would lose much of its screening and become significantly more open to view from neighbouring dwellings and gardens. Its pitched roof, though shallow, would still project above the boundary walls/fences and render the dwelling highly conspicuous and anomalous within its surroundings.
9. Moreover, the dwelling would span the full width of the site and sit close to the rear boundary. As a result it would appear squeezed into the plot in a cramped and contrived manner. The detached form and single storey scale of the dwelling would also contrast with the prevailing pattern of semi-detached or terraced dwellings of two or two-and-a-half storeys. These factors would add to the jarring presence of the dwelling when viewed from surrounding properties.
10. I acknowledge that the redevelopment of the site would address its current deteriorating appearance. However, the condition of the site is within the landowner's power to address outside of the planning process and the appeal scheme is not the only means by which the current situation could be improved. Accordingly, this is a factor attracting only limited weight, and which would not outweigh the harm that would be caused by the proposed dwelling.
11. For the reasons given, the proposed dwelling would harmfully disrupt the existing pattern of development on Manor Road and would significantly harm the character and appearance of the area. The proposal would conflict with the requirements of Policies CS2, CS13, CS15 and CS16 of the Waltham Local Forest Plan Core Strategy (2012) (the CS) and Policy DM29 of the Waltham Forest Local Plan Development Management Policies (2013) (the DMP), which together require that new housing achieves high quality design that makes a positive contribution to improving the urban environment of the Borough, taking account of factors including patterns of development, urban form, building typology, materials, trees and landscaping. There would also be

conflict with the guidance of the Urban Design Supplementary Planning Document (2010) (the SPD).

Neighbours' Living Conditions

12. The dwelling would have eaves at 2.4 metres high, taller than the existing boundary treatments which appeared to be between 1.8 and 2 metres. The dwelling, as well as its roof, would therefore be visible from the adjoining properties at Nos 6 and 10. The dwelling would form an obvious new structure in views from both neighbouring dwellings and in particular their rear gardens. However, the dwelling would be relatively modest in height and the shallow pitch of the roof would mean the massing above the boundaries would not overbear on adjoining gardens or cause an undue sense of enclosure for neighbouring occupants. The dwelling would also be sufficiently recessed to the rear of the garden so as not to significantly impede the outlook from the rear windows, with views still possible over the rear gardens and beyond.
13. With respect to No 8 itself, the sites are divided by tall boundary fencing which precludes direct views from the ground floor windows and rear garden. The roof of the proposed dwelling would be visible above the rear boundary fence, but it would have limited effect on the overall outlook from this dwelling.
14. The Council did not raise concern with respect to other aspects of living conditions, including sunlight and daylight levels, noise and disturbance and privacy. Having regard to the site, and its previous usage, I am satisfied that the proposed residential use, at single storey scale and with no upper floor windows, would not have harmful effects in respect of any of these matters.
15. For these reasons, the proposal would not cause significant harm to the living conditions of neighbouring occupants, and no conflict arises with Policy CS13 of the CS or Policy DM32 of the DMP in terms of their requirements that developments ensure satisfactory amenity is provided for future and surrounding occupiers in terms of daylight/sunlight, outlook and privacy.

Standard of Accommodation

16. The dwelling would meet the London Plan internal floorspace standard of 61sqm for a single storey, two bedroom, three-person dwelling. I note the internal floor-to-ceiling height of 2.3m falls short of the London Plan requirement of 2.5m designed to address the unique heat island effect of London, but that the height would meet national standards¹. Having regard to the overall layout, the dwelling would have adequate ventilation, and I am content that the ceiling height would not result in substandard living conditions.
17. The dwelling would provide just under 30sqm of private garden space, well below the 50sqm requirement of Policy DM7. Most of this would be to the front. I accept that the space would be large enough to provide some utility for occupants in terms of sitting out or drying clothes, but it would be a confined space hemmed in by tall boundary walls, and subject to views from the upper floors of Nos 6, 8 and 10. Therefore, I find it would provide a poor quality space that would fail to satisfy the aims of Policy DM7 to provide high quality, functional living environments that have a positive impact on mental and physical health.

¹ Technical housing standards – nationally described space standard (March 2015)

18. The Council further points to the limited outlook from the rear windows which would face the rear boundary wall at a distance of less than two metres. The Council's SPD recommends a minimum distance of five metres. The rooms facing the rear would comprise a bedroom, bathroom and kitchen. I accept that the bathroom is likely to have obscured glazing, limiting outlook in any event. However, a kitchen is used throughout the day, as could a bedroom if put to another use, such as a workspace or playroom. The limited outlook from these windows would create a significant sense of enclosure for occupants.
19. Moreover, outlook to the front, though better, would still be limited to the modest garden area proposed, due to the high boundary fencing to all sides. Overall, outlook from the dwelling and its outdoor spaces would be limited in extent and poor quality, leading to oppressive living conditions for occupants.
20. The Council also points to the proposed access via a narrow passageway to the side of No 8, where there would be limited overlooking and potential safety issues. However, the space could be made secure through a gate at the front, which would prevent unwanted public access. I am content that this issue could be suitably addressed via planning condition were the appeal to be allowed.
21. However, overall and for the reasons set out above, I conclude that the proposal would fail to provide a suitable standard of accommodation, contrary to the aims of Policies CS13 and CS15 of the CS and Policies DM7, DM23 and DM32 of the DMP, which together seek to develop healthy and sustainable places, with the highest quality urban design and internal and external spaces within new development, promoting health and well-being.

Parking

22. Policy CS7 of the CS seeks to promote sustainable travel by, among other things, managing parking requirements effectively across the borough to minimise the negative impacts of traffic and reducing reliance on cars for journeys by promoting car free developments. Policy DM16 of the DMP sets out further criteria with respect to parking. Despite being referred to in the policy, I have not been provided with details of applicable parking standards for the Borough.
23. The Council indicates that the site lies within a controlled parking zone (CPZ), with non-permit holders prevented from parking between 8.30am and 6.30pm Mondays to Saturdays. I have no evidence which quantifies the level of parking pressure which exists, though it is reasonable to consider that the existence of the CPZ indicates pressure for parking does exist in the area, particularly given the lengthy periods of control across the week. The Council seeks a Section 106 Agreement to prevent future occupants from applying for a parking permit.
24. The submitted plans indicate a single car parking space would be provided to the front drive of No 8. Contrary to the Council, the space appears to fall within the red line of the site on the site location plan provided, and its retention for use by occupants of the proposed dwelling could be secured by condition were the appeal to be allowed. However, I have no information as to the demand for parking which exists at present at No 8, and so it is unclear whether use of the existing driveway by the proposed dwelling would in turn displace vehicles connected with No 8 onto the street. Though the proposed dwelling is modest, it is also possible that it could generate demand for more than one parking space, which would result in increased demand for on-street parking. Based on

the evidence before me, it is not possible to rule this out or conclude that the Council's requirement for the development to be car-free should be set aside in this instance.

25. Therefore, in the absence of evidence to the contrary, I find that additional development would add to parking stress and congestion in the vicinity of the appeal site. As such, parking restrictions are necessary to make the proposal acceptable and to accord with development plan policy, and I am satisfied that this requirement meets the relevant tests for planning obligations set out in the National Planning Policy Framework.
26. However, there is no legal agreement before me which would secure such restrictions on parking permit eligibility. The absence of a legal agreement therefore means that the development could lead to increased parking stress around the site and surrounding streets. This would conflict with the aforementioned aims of Policies CS7 and DM16 to promote sustainable travel and reduce reliance on car journeys.

Other Matters

27. The Council did not adjudge harm would be caused in respect of other matters, including air quality, energy and water efficiency, flooding and drainage or contaminated land, subject to suitably worded conditions. I have no evidence to conclude otherwise in these respects, though these would be neutral factors in the planning balance.
28. I have had regard to other concerns raised by interested parties; however none raise significant issues that would affect my conclusions on the main issues or alter the overall outcome of the appeal. Therefore it is not necessary for me consider them in further detail.

Conclusion

29. For the reasons set out, the proposal results in conflict with the development plan, taken as a whole, to which I afford significant weight. Material considerations in this case, including the acknowledged but limited social and economic benefits of providing an additional dwelling to the Borough's housing stock, would not outweigh this conflict and do not indicate that permission should be forthcoming in spite of the conflict with the development plan.
30. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR