



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: 9 May 2022

Appeal Ref: APP/U5930/W/21/3286389

Union Works 185A Farmer Road, Leyton E10 5DJ

- 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 J McGowan (Corvinview Ltd) against the decision of Waltham Forest London Borough Council.
 - The application Ref 211021, dated 29 March 2021, was refused by notice dated 22 June 2021.
 - The development proposed is demolition of existing part warehouse storage units and part commercial building, and construction of 7 residential flats with associated landscaping, refuse storage, and bicycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted a signed unilateral undertaking (UU) to address the Council's third and fourth reasons for refusal. I have had regard to this in my consideration of the main issues below.

Main Issues

3. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) Whether the proposal would provide a suitable standard of accommodation;
 - iii) Whether the proposal makes suitable provision for waste collection;
 - iv) Whether the proposal is required to be car-free, having regard to parking pressure in the area, and if so, whether this could be secured.

Reasons

Character and Appearance

4. The appeal relates to a corner site between two perpendicular residential terraces on Farmer Road. The site contains a two storey office building at the rear and a warehouse located to the back side of the site, against a raised railway viaduct. The proposed building would replace the existing structures. It would stand two storeys in height at the front where it would address Farmer Road, rising to three storeys at the rear and side.

5. Farmer Road is characterised by modest, two storey terraced dwellings both sides of the street in highly consistent patterns that create a rhythmic and attractive street scene. The appellant states that the proposal being a flatted development is fundamentally different in nature to the existing terraced houses on Farmer Road, yet it is evident from the plans and supporting imagery that the proposal, at least to the front, seeks to imitate the surrounding built form through the two storey front section with pitched roof.
6. The Council's Urban Design Supplementary Planning Document (2010) sets out that in areas of distinct character with strong building 'rhythms' and a prevalence of unifying features, materials and detailing, new development should take these into account in the design response, by seeking to reflect the prevailing scale, proportion and detailing of buildings, though not necessarily by way of a pastiche response.
7. However, due to the detached and slightly recessed position of the building relative to the end dwellings of each terrace, the taller roofline and the uncharacteristic crown roof shape, the proposal would not form a genuine infill structure between the terraces, but would stand somewhat awkwardly between them, neither wholly matching nor being architecturally discrete. The taller height and bulkier massing of the building at the roof level would be observable from the street, though I accept that in longer views, the conflicting form of the building would be less apparent, with the consistency of the long terraces remaining the prevailing feature of the street scene.
8. At the rear, the site backs onto Brooks Farm, an urban farm within Jack Cornwall Park. The rear elevations of dwellings on Farmer Road feature shallow, shared two storey outriggers, the roofs of which sit well below the main ridge lines. Some modest single storey extensions exist beyond the outriggers, and a number of rear dormers are scattered along the roofline, but there remains a high degree of consistency to the built form at the rear.
9. The proposed building would rise to three storeys at the rear, with a flat roof and high parapet line that would create a prominent box shape to the first and second floors. To each side of this box section, there would be a recessed section with a sloping roof that would form a crown roof shape with the front roof slope and create gable ends to the side elevations. However, the flat roof of the rear box section would stand above the level of the crown roof of the gables and, as a result, would appear to envelop the main roof of the building, rather than form a proportionate extension from it. The imposing flat roofed section and lower crown roof, viewed together from neighbouring gardens and the park to the rear, would appear incoherent in design and dominant in massing, in stark contrast with the subordinate scale and consistent form of the rear outriggers along the neighbouring terrace.
10. I recognise that the railway viaduct is an influential feature of the surroundings, and I saw examples of old and new development alongside it, including long established warehouses/factories, and recent taller, flat-roofed buildings which differ architecturally from the prevailing terraced housing. However, for the above reasons, the combination of a two-storey 'terrace' building to the front and a bulky, three-storey block to the rear would be disjointed in its design and would neither fully integrate with the surrounding built form nor represent a high quality, individual design that would enhance the character and appearance of the area.

11. I also acknowledge that the existing buildings differ in form and use from their immediate surroundings, but they are discreetly positioned in terms of the Farmer Road street scene, and are a recognisable form of development adjacent to a railway line. I do not regard them as significant detracting features of the area, and whilst redevelopment of the site could, in principle, lead to an overall enhancement to the character and appearance of the area, this is a factor of limited weight given my findings on the proposed building.
12. Overall, for the reasons set out, I conclude that the proposal would harm the character and appearance of the area, contrary to Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) (the CS) and Policies DM7 and DM29 of the Waltham Forest Local Plan Development Management Policies (2013) (the DMP), which together require development to be a high quality design that is based on a sound understanding of, and responds positively to, the local context and reinforces local character and distinctiveness.
13. There would also be conflict with the aims of the Urban Design SPD, and with the National Planning Policy Framework (the Framework) which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Standard of Accommodation

14. Seven flats are proposed. The evidence before me indicates that each would meet the relevant internal floor space standards of the Technical housing standards – nationally described space standard (NDSS) (March 2015). The flats would also provide adequately sized bedrooms and living/dining/kitchen spaces in accordance with the NDSS and Policy DM7 of the DMP.
15. Policy DM7 further sets out that for flatted developments a minimum of 10sqm of amenity space should be provided per bedroom. Table 8.3 confirms that each flat should provide some private amenity space, but that the total provision can be composed of both private and communal space. The Council argues that five of the flats would fail to provide adequate amenity space; but it bases this on measurements of only the proposed private space for each flat, and does not count the 53sqm of communal space proposed to the rear of the site. Table 8.3 is clear this can be taken into account, in which case each flat would have sufficient amenity space to satisfy the requirements of Policy DM7.
16. However, this notwithstanding, the communal space would be detached from the flats and would be enclosed by the railway viaduct and tall boundary fencing, whilst being overlooked by the large balcony to Flat 4. The garden would also stand to the north-west of the site and would be subject to significant shadowing from the viaduct and the proposed building during the day. These factors would reduce the attractiveness of the space for residents, who would have private spaces that they would use in the first instance. I also have no details as to how the communal garden would be maintained. In the absence of a management plan or similar, there would be a risk of the space becoming disused and unappealing for occupants, and detracting from the appearance of the site.
17. The private spaces to Flats 2 and 3 would be located between the building itself and the viaduct, which is indicated to stand some 6 metres in height. These gardens would therefore be severely enclosed spaces, which would suffer from limited direct sunlight due to the immediate massing of the proposed building

and the viaduct. Noise and vibration from passing trains on the viaduct above would also reduce the attractiveness of the garden areas.

18. The garden to Flat 3, a three-bedroom, five-person unit capable of providing family accommodation, would also be adjacent to the communal bin store for the development, which could lead to disturbance from odours and possibly vermin. This garden would fall only marginally short of the 30sqm requirement for a flat of this size, but given its enclosed position and the presence of the viaduct and communal bins, I am not satisfied that it would provide a suitable form of private amenity space for family occupants.
19. The Council also raises concern with the location of windows. Flat 1 and Flat 3 would have full height windows facing onto the communal passageways to the sides of the building, windows which would serve the bedroom of Flat 1 and living space and one bedroom of Flat 3. The appellant indicates that these windows would be obscurely glazed to a height of 1.7 metres to provide privacy for occupants. The plans also show the side passages would have lockable gates to restrict access.
20. I note the appellant's point that outlook from bedrooms is not as important as they are not as frequently used as other spaces, and that the number of people using the passageways would be limited. However, bedrooms may be put to other uses, such as a home office or playroom, which would see them occupied during the day. The use of opaque glazing would prevent any meaningful outlook from these rooms, resulting in the rooms feeling enclosed and creating oppressive living conditions for occupants, particularly Flat 1 as it has only one other window at the rear.
21. The outlook from the windows to Bedrooms 1 and 2 of Flat 3 would be limited, as they would face the viaduct wall, albeit not as restricted as those windows in the unit which would be obscurely glazed. However, taken as a whole the flat would have two windows facing the viaduct wall, two obscurely glazed facing the side passage and one, the main living space window, facing the communal entrance to the development. In combination, I find that the flat would suffer from poor outlook and potentially harmful overlooking by those coming and going from the development, including residents, visitors and delivery persons. Together with the shortcomings of its garden, I find that Flat 3 would fail to provide a suitable standard of accommodation.
22. The outlook from windows within Flat 2 facing the viaduct would be similarly limited, but this flat would not suffer from overlooking from communal areas, and so would not require windows to be obscured. It would also have two windows affording better outlook to the rear of the site. Consequently, I find this flat would provide an adequate standard of accommodation overall.
23. However, for the reasons set out, I conclude that Flats 1 and 3 would fail to provide a suitable standard of accommodation for future occupants. This would conflict with 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.

Waste Collection

24. The Council's Waste and Recycling Guidance (2019) states that waste collection crews should not have to remove a bulk bin more than 15 metres. In this case, the bin store is indicated to be around 20 metres from the site entrance.
25. The appellant has provided an undertaking within the submitted UU which would require occupants to place refuse at the edge of the property on its boundary with the pavement in readiness for collection. The Council is satisfied that this would overcome its concerns and considers the third reason for refusal has been addressed. I have no reasons to conclude otherwise in this matter, and find that the proposal would make adequate provision for waste collection.

Car-Free Development

26. 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.
27. 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.
28. With seven flats and a potential 19 occupants, it is likely that there would be some demand for parking. No parking is proposed on site, so it follows that occupants of the development with cars would need to park on the street, adding to the demand for spaces. The site is located close to bus stops on High Road Leyton and Leyton Midland Road Overground Stations, meaning good alternatives to the private car exist, and nothing I have seen or read indicates that the Council's requirement for the development to be car-free should be set aside in this instance.
29. From the evidence before me, therefore, the development would add to parking stress and congestion in the vicinity of the appeal site. Therefore, 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 Framework.
30. The appellant has submitted a UU which would restrict the eligibility of future occupants from applying for a parking permit. I am satisfied that the UU is complete, and it would be enforceable as it is also made under Section 16 of the Greater London Council (General Powers) Act 1974. The UU would address the Council's fourth reason for refusal and the development would therefore accord with the aforementioned requirements of Policies CS7 and DM16.

Other Matters

31. The appellant raises that the proposal would include the benefit of removing a 'bad neighbour use'. It is indicated that the present occupants of the site do not operating in an unneighbourly fashion, but that the present use was granted an unrestricted planning permission in 1959, and so the site could be put to a variety of other uses on a 24-hour basis.

32. I recognise that industrial and employment uses can conflict with residential uses due to issues such as noise, dust, pollution, hours of operation and traffic. The replacement of the site with a residential use would remove the risk of such issues occurring, and would be a benefit of the proposal. However, there is little before me to suggest that the site is a bad neighbour at present, nor is there any firm evidence of a realistic prospect of a different, more harmful use taking its place. Consequently, this limits the positive weight I afford this consideration.
33. I recognise the support given in the London Plan and the CS for the redevelopment and more efficient use of previously developed land for housing; and for development on appropriate windfall sites, in particular small sites. The proposal would fit the criteria of these policies in terms of its size and location, and it would contribute towards meeting London Plan targets for housing from small sites and overall. The provision of seven additional residential units to the Council's housing stock would therefore be a public benefit, but given the scale of the development, it would make only a limited contribution in this respect. Nonetheless, given the priority in national and local policy to delivering additional housing, I afford the benefit of additional housing moderate weight in the planning balance.
34. The appellant refers to a number of other developments in the borough which it regards as setting a precedent for the appeal scheme. The Council indicates that these differ from the appeal scheme in that they showed consistency in scale and architectural approach. I have limited evidence in respect of these other developments, with the drawing excerpts provided by the appellant inconclusive due to their limited size and clarity. On the evidence before me, it is not clear that these other schemes are sufficiently comparable to the appeal scheme, and so they garner very limited weight in my considerations.
35. The Council did not refuse the proposal in terms of neighbours' living conditions, accessibility or the security of the proposed scheme. The absence of harm in these matters means they are neutral factors weighing neither for nor against the proposal in the planning balance.

Planning Balance and Conclusion

36. I have found that the proposal would result in harm to the character and appearance of the area and would fail to provide a suitable standard of accommodation for future occupants. Consequently, the proposal would conflict with the development plan, taken as a whole. Material considerations in this case range from limited to moderate weight, but cumulatively would not outweigh the conflict with the development plan, to which I give significant weight.
37. Therefore, for the reasons set out, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR