



Appeal Decision

Site visit made on 13 September 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2022

Appeal Ref: APP/U5930/W/22/3297732

241 Hoe Street, Walthamstow, London, E17 9PP

- 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 S Razak (Investec Associates Ltd) against the decision of the London Borough of Waltham Forest.
 - The application Ref 213474, dated 2 November 2021, was refused by notice dated 20 December 2021.
 - The development proposed is described as "Construction of two storey rear and side extension to facilitate the creation of 1x1 bedroom self-contained flat (Use Class C3) and all associated works including creation of outdoor amenity space refuse storage facilities. Provision of raised kerb to facilitate reinstatement of two car parking spaces."
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Decision

1. The appeal is allowed and planning permission is granted for construction of two storey rear and side extension to facilitate the creation of 1x1 bedroom self-contained flat (Use Class C3) and all associated works including creation of outdoor amenity space refuse storage facilities at 241 Hoe Street, London, E17 9PP in accordance with the terms of the application, Ref 213474, dated 2 November 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. No drawing showing the elevation of the proposed building facing 239 Hoe Street has been provided with the appeal. I shall address this further below.
3. The description of development refers to the reinstatement of two car parking spaces. For the sake of clarity, these are spaces that would be created on Second Avenue through the removal of the dropped kerb in front of the appeal site.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area,
 - Whether it would provide acceptable living conditions for future occupiers,
 - The effect on the living conditions of neighbouring occupiers,
 - Whether it would make acceptable provision for cycle storage; and,
 - Whether it would make acceptable provision for refuse storage.

Reasons

Character and appearance

5. The proposed extension would match the general style and appearance of the existing property, which has been previously extended along Second Avenue.
6. The depth of projection following the proposed extension would be considerable. However, given the difference in height between the original building and extension, and the ridgeline being lower than that of the neighbouring houses, the extension would be viewed as a subordinate element.
7. I note that similar rear extensions to corner properties on Hoe Street have been separated from their host properties with a visual break or differing materials. However, in the case of both sites to which my attention has been drawn, to the rear of 306-308 Hoe Street and 286 Hoe Street, the extensions were three storeys in height to the rear of three storey buildings. The proposal is for a two-storey extension that would be set down substantially from the ridgeline of, and would be finished in matching materials to, the existing building. This would be sufficient to ensure that the development would not be harmful to the character and appearance of the area.
8. Accordingly, there would be no conflict with Policies CS2 and CS15 of the Waltham Forest Core Strategy 2012 (the CS) or Policies DM4 and DM29 of the Waltham Forest Development Management Policies 2013 (the DMP). Taken together these policies require that development be of a high standard of urban and architectural design and respect the street scene and character of the area. It would also accord with the aims of the Council's Urban Design Supplementary Planning Document (SPD) which, amongst other things recommends that the scale, height and massing of proposed development be considered in relation to its surrounding context.
9. The Council also referred to their Residential Extensions and Alterations SPD, but this relates to householder development rather than the creation of new dwellings. It is therefore not determinative in this appeal.

Living conditions of future occupiers

10. There is no dispute between the parties that the proposed dwelling would provide sufficient internal space for future occupiers. The Council contend that the development would not provide adequate internal storage space. However, the first floor accommodation includes two integral stores, totalling 1.6 square metres, which exceeds the 1.5 square metres sought under Policy D6 of the London Plan 2021 (the LP) and the Technical housing standards – nationally described space standard 2015.
11. The refuse enclosure would open onto the highway, with no access from the small garden area to the dwelling. The appellant has suggested that the refuse enclosure could have a roof fitted, and this would limit any noise or smell from the enclosure being disruptive to occupants of the dwelling. It would not overlap the door from the dwelling into the garden area.
12. The development would therefore provide acceptable living conditions for future occupiers. It would consequently accord with Policy D6 of the LP, the relevant requirements of which are set out above. It would also accord with Policies CS2, CS13 and CS15 of the CS and Policies DM7, DM29 and DM32 of

the DMP. Taken together these development plan policies generally seek the provision of high quality design in all new development, including maximising the number of quality homes in the Borough.

Living conditions of neighbouring occupiers

13. The proposed development would extend further beyond the rear door and window to No 239A on the first floor of that neighbouring property. These serve the entrance area to that property, rather than a habitable room, which from the evidence before me all face onto Hoe Street.
14. The appellant has provided an External Daylight and Sunlight Study analysing the impact on natural light to No 239. This concludes that the first-floor door and window face to the north-east so are exempt from sunlight analysis. Due to their orientation, they receive little direct natural light, and are in any case already effected by the existing rear projection. The greater depth proposed would not cause a significant effect to the window and door, given that there is no increase in height proposed.
15. Given this, there would not be such an effect on outlook from or natural light to No 239 that unacceptable harm to the living conditions of neighbouring occupiers would occur. Consequently, the proposed development would accord with Policies CS2 and CS13 of the CS and Policies DM4 and DM32 of the DMP. These policies, taken together, require that daylight/sunlight and outlook is maintained for neighbours.

Cycle storage

16. Policies CS7 of the CS and DM14 and DM16 of the DMP collectively require 1 secure cycle space for a one-bedroom property. The proposed development includes an internal storage area on the ground floor indicated to be used for 1 bicycle. While not shown to be of a size that would be accommodate a bicycle, there is sufficient space within the proposed unit to incorporate a larger store and this can be addressed by an appropriately worded condition. In any case, the dwelling would have a small garden area where a bicycle could be stored. Accordingly, the development would make acceptable provision for cycle storage in accordance with the relevant criteria of the identified policies.

Refuse storage

17. The proposed bin store would be large enough to accommodate 2 660 litre bins. This would exceed the minimum capacity required for a single dwelling and would provide sufficient storage for the bins required by future occupiers.
18. The store would open onto the public highway but would only be used by occupiers of a single dwelling. Access would only therefore be required on an occasional basis. The pavement in front of the site is wide enough to accommodate pedestrian traffic even with doors opening across it. I note in any case that the appellant has suggested that a roller door could be fitted that would address this matter. I am satisfied that the details of the refuse store can be secured by an appropriately worded condition.
19. The proposed development would therefore make acceptable provision for refuse storage. It would accord with Policies CS6, CS7 and CS13 of the CS and Policies DM13 and DM32 of the DMP. Taken together these require that new

development provides adequate and well designed storage for waste and recycling, and that it not interfere with pedestrian routes.

Other Matters

20. I note that no proposed drawing has been submitted for the elevation facing No 239. As the submitted drawings show that this would be a blank wall with no openings in it like the existing wall facing No 239, I am satisfied that this omission does not affect my interpretation of the proposals, and it can be addressed by a suitably worded condition.

Conditions

21. I have had regard to the conditions suggested by the Council. Where appropriate I have amended the wording in accordance with national Planning Practice Guidance.
22. I have imposed conditions relating to the commencement of development (1) and confirming the approved plans (2) for the sake of certainty.
23. I have also imposed conditions requiring approval of details of the bike storage (3) and refuse storage (4) to ensure that the development would be acceptable with regard to these issues. I have also imposed a condition requiring submission and approval of details of the elevation facing 239 Hoe Street (5) to ensure that the finished appearance of the building is acceptable.
24. I have included conditions relating to the management of construction traffic and activity (6 and 7) to ensure that the development is not unduly disruptive to traffic and neighbouring residents.
25. As the development would involve an increase in hard surfacing at the site, a condition requiring inclusion of sustainable drainage measures (8) is reasonable and necessary. I have also imposed a condition requiring that the development include measures to reduce water use (9) to ensure that the development is efficient in managing water usage.
26. Finally, I have imposed a condition requiring that the bathroom window to the new dwelling be fitted with obscure glazing (10) to protect the privacy of occupiers.
27. I have not imposed a condition regarding the materials of construction, as these are detailed on the approved plans. I have not imposed conditions relating to air quality management as there is no evidence that this is necessary in this location. I have also not imposed the suggested condition relating to accessibility within the building, as this would duplicate measures in the Building Regulations.

Conclusion

28. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1:500 Block/Site Plan
 - 1:1250 Site Location Plan
 - A.1 Site and ground floor plans
 - A.2 First floor plans
 - A.3 Second floor plans
 - A.4 Third floor plans
 - A.5 Existing front and rear elevations
 - A.6 Existing side elevation
 - A.7 Proposed partial ground floor plan
 - A.8 Proposed partial first floor plan
 - A.9 Proposed partial roof plan
 - A.10 Proposed front and rear elevations
 - A.11 Proposed side elevation
- 3) Notwithstanding the details approved under condition 2, no development shall commence above ground level until details of cycle storage have been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) Notwithstanding the details approved under condition 2, no development shall commence above ground level until details of the refuse store have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and the refuse store shall be retained for the lifetime of the development.
- 5) Notwithstanding the details approved under condition 2, no development shall commence above ground level until details of the elevation of the approved dwelling facing 239 Hoe Street have been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 6) Prior to commencement of the development hereby approved, a detailed Construction Logistics Plan shall be submitted to, and approved in writing by, the local planning authority. The logistics plan shall include details of site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details throughout all demolition and construction works.
- 7) Prior to commencement of the development hereby approved, a Construction Method Statement including any demolition works, shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for the:
 - (i) parking of vehicles of site operatives and visitors,
 - (ii) loading and unloading of plant and materials,

- (iii) storage of plant and materials used in constructing the development,
 - (iv) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
 - (v) wheel washing facilities,
 - (vi) measures to control emissions, dust and dirt during construction, and
 - (vii) recycling/disposing of waste resulting from demolition and construction works.
- 8) Prior to the commencement of the development hereby approved, notwithstanding site investigation work, clearance and demolition, details of a Sustainable Urban Drainage System (SUDS) to deal with all surface water drainage from the site, including details of proposed rainwater harvesting systems, green roofs and proposed soakaway designs together with infiltration test results and recommended soakage rates, shall be submitted to and approved in writing by the local planning authority. The approved SUDS shall be fully implemented prior to first occupation of any building and retained thereafter.
- 9) Prior to the commencement of the development hereby approved, a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day, shall be submitted to, and approved in writing by, the local planning authority. The development shall be constructed in accordance with the approved scheme and retained thereafter.
- 10) Prior to the occupation of the dwelling hereby approved the window to the first-floor bathroom shall be fitted with obscured glazing and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

End of schedule