



Appeal Decision

Site visit made on 26 October 2022

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 7 November 2022

Appeal Ref: APP/U5930/W/22/3296475

190 Wood Street, Walthamstow E17 3NA

- 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 Stroh against the decision of Waltham Forest London Borough Council.
 - The application Ref 220055, dated 10 January 2022, was refused by notice dated 18 March 2022.
 - The development proposed is addition of second and third floors to create two self-contained units 2x1 bed flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council in its report on the application indicated that the proposal may have an effect on the Epping Forest Special Area of Conservation. At the appeal stage I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended). Had I been minded to allow the appeal I would have requested further information on this topic. However, as I am dismissing it, I do not need to consider this matter further.

Main Issue

3. The main issues are:
 - the effect on the character and appearance of the area and the host building;
 - whether the proposal would result in satisfactory living conditions for any occupiers;
 - whether the proposal would provide an appropriate mix of dwelling sizes; and
 - whether the proposal provides sufficient information in relating to cycle parking and waste disposal, and if so, whether adequate provision is made.

Reasons

Character and appearance

4. The appeal site lies on the southern corner of the junction of Wood Street with Barrett Road. It is surrounded on the other two sides by the car park to a school, with the school buildings, which are mostly three storeys in height,

being located some distance away. On the opposite corner is a two-storey industrial unit, and on the opposite side of Wood Street is a terrace of three-storey buildings with a vertical emphasis identifying the individual units. Most of these have display windows, or similar, on the ground floor with a more domestic scale above. Most have apparently flat roofs when viewed from the street, but one, directly opposite has a gable which increases the overall height of the building.

5. The appeal property is two storeys in height with a pitched roof. The ground floor has display windows facing both Wood Street and Barrett Road. The solid portions of the elevations are completed in white render. There is a small, single storey, lean-to extension on the southwest elevation that is completed in black painted timber and has a corrugated plastic roof. There are two chimneys on either side of the building. The appeal site is set tightly around the built form.
6. I have been advised that planning permission has been granted for the change of use of the ground floor to a one-bedroomed self-contained flat, and, separately, for an additional floor also to provide a one-bedroomed self-contained flat. I have not been provided with drawings for either proposal. The existing first floor is a flat, with a kitchen, bathroom, and three other rooms.
7. The proposal is to add two additional floors to the existing building to create a four storey building. Each new floor would have a single one-bedroom flat. The drawings do not indicate a change of use for the existing ground floor or for changes to the elevations at that level. However, the drawings do show that the first floor would be reconfigured to provide a one-bedroom flat.
8. The proposal would extend the property with the third floor using the existing footprint and the building style of the existing first floor. The uppermost floor would utilise a mansard style roof set slightly behind the southwest and northeast elevations.
9. At four storeys in height the proposal would intrude significantly into the street scene. It would be a building which would be materially taller than most buildings in the near vicinity in an isolated position on a relatively small footprint. It would not positively address the street corner and would appear awkward and bulky with a roof form not readily seen nearby. The fenestration and soil pipes on the southwestern elevation would fail to provide a coherent design with clumsy proportions between those openings and the solid walls. It would represent poor design. As paragraph 135 of the National Planning Policy Framework (the Framework) makes clear, development that is not well designed should be refused.
10. The Council has referred in this main issue to Policy CS13 of the Waltham Forest Local Plan – Core Strategy (2012) (the Core Strategy) dealing with health and well-being. While this policy is material in relation to other main issues, I cannot see how this policy is material to the effect on the character and appearance of an area. It has also referred to Policies DM28 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013) (the DM Plan), but these respectively relate to heritage assets, and I have not been advised of any specific heritage assets which the proposal would allegedly affect, and the effect on occupiers.

11. Notwithstanding this, the proposal would be harmful to the character and appearance of the area and not relate well to the host building. Therefore, it would be contrary to Policies CS2 and CS15 of the Core Strategy, Policies DM4 and DM29 of the DM Plan and the Supplementary Planning Document: Residential Extensions and Alterations (2010). These policies and the SPD seek high quality design which makes a positive contribution to the urban environment of the Borough, responding to its context.
12. It would also be contrary to Policy 56 in the emerging 'Shaping the Borough – London Borough Waltham Forest Draft Local Plan Part One' (the Emerging Plan) which requires high quality design. However, as this plan is only at a relatively early stage in the process towards adoption, in line with paragraph 48 of the Framework, I am only able to give this limited weight.

Living conditions

13. London Plan Policy H6 indicates that housing should provide adequately sized rooms. For a double bedroom this is 11.5m² and there should be a minimum floor to ceiling height of at least 2.5m for at least 75% of the Gross Internal Area (GIA) of each dwelling. Policy DM7 of the DM Plan indicates minimum internal space standards as set out. These closely follow the Technical housing standards – nationally described space standard (the Space Standard) published by the Government. The main difference material to this appeal is that the Space Standard provides a standard for a 1-bed 2-person dwelling on two storeys of 58m² while Policy DM7 does not have a standard for such a two storey property, although this standard and figure is provided for in Policy 58 of the Emerging Plan which also deals with this issue.
14. The dispute in this case relates to the top-floor flat within the mansard roof space. The appellant maintains that the GIA of this flat is 50.73m² while the Council considers it to be only 44.3m². The Space Standard for a 1-bed 2-person flat on a single storey is 50m². The difference between the appellant measurement and that of the Council is two-fold. Firstly, the appellant includes part of the circulation space on the floor below, and secondly there is a argument as to the area under the skelings¹.
15. In relation to the first difference, it seems to me that if the area on a second floor is to be included then the relevant standard set out in the Space Standards for a two-storey property should apply. As set out above this is 58m² and this would not be met.
16. Secondly, the Space Standard makes clear that any area with a headroom of less than 1.5m is not counted within the GIA unless used solely for storage. Any other area that is used solely for storage and has a headroom of 900mm to 1500mm (such as under eaves/ skelings) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all. I have not accurately measured what effect that has on the floor area. Given my conclusion on the overall floor area point, this is not determinative, but I am inclined to follow the Council's calculation, on the basis it seems to me that it is for a developer to demonstrate that their proposal would meet the relevant standard.

¹ The part of the ceiling of a room which is at an angle to accommodate a sloping roof form.

17. This dispute also relates to the size of the bedroom where the same reductions apply for areas of reduced headroom. Here the appellant measures the floor area of the bedroom at 12.02m² and the Council, courtesy of the effect of the skellings, at 10.2m². Again, I have not measured this, and for the same reason is of lesser importance, but am inclined to follow the Council's calculation.
18. The Council also indicates that the proposal would fail to meet the minimum floor to ceiling height. As the section drawing makes clear the 2.5m measurement would only be obtained at the apex of the roof form; the remainder will therefore be at a lower level. Therefore, less than 75% of the GIA would not have the height required in the London Plan.
19. The appellant has argued that these dwellings would be similar to others in the surrounding area. However, it seems to me it is important that new development should be of an appropriate standard as defined at the time it is permitted, and that less commodious accommodation that has been constructed in the past does not provide a justification for that permitted today.
20. Consequently, the proposal would fail to provide an adequate area and height to ensure high quality living conditions for any occupier of the third floor flat. As such it would be contrary to Policy H6 of the London Plan, Policy DM7 of the DM Plan and Policy 58 of the Emerging Plan as set out above, giving significant weight to the Space Standards.

Housing mix

21. Policy DM5 of the DM Plan indicates that it will seek that all housing developments provide a range of dwelling sizes focusing on the provision of larger dwellings. The policy indicates that development proposals containing only one and two bedroom properties will not be supported.
22. The appellant maintains that in providing two additional dwellings, even though of small size, would be of a benefit in meeting the overall housing needs of the Borough. However, as I have found that one of the two additional units would not be of appropriate size this negates this argument in this particular case.
23. It has not been demonstrated that it would not be possible to provide a larger dwelling within any development, and consequently the proposal would not provide an appropriate housing mix or comply with Policy DM5 of the DM Plan.

Cycle and waste storage

24. As noted above, the appeal site is tightly defined by the existing built form. There is no space at ground floor level shown on the proposal drawings for either cycle storage or waste and recycling storage, and there is no "communal area at the rear of the site". Rather than saying that there is 'insufficient information' on the topic, my consideration of the drawings is that there is no such storage space shown and this represents the proposal.
25. Given the lack of both cycle and waste storage shown any provision would therefore have to be within the property. Given the internal circulation arrangements of a winding staircase I do not consider that this would be appropriate, since this would not encourage cycle use and storage would utilise internal floor area further exacerbating deficiencies. The lack of cycle storage would not encourage cycling as a sustainable and healthy mode of transport.

26. Consequently, the proposal would be contrary to Policies CS6 and CS13 of the Core Strategy and Policies DM16, DM23 and DM32 of the DM Plan which seek to promote health and well-being and the provision of appropriate storage.

Other Matters

27. The appellant has noted the accessible location of the proposal which I would agree with. However, this does not overcome the deficiencies that I have identified above.

Conclusion

28. The proposed development would be contrary to the development plan taken as a whole and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), the appeal should be dismissed.

RJ Jackson

INSPECTOR