



Appeal Decision

Site visit made on 1 November 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/U5930/W/22/3292733

256 Chingford Mount Road, Chingford E4 8JL

- 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 Carat Properties Ltd against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 213128, dated 24 September 2021, was refused by notice dated 24 December 2021.
 - The development proposed is a first-floor single storey rear extension to form an additional residential two-bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposal on:
 - The character and appearance of the appeal property and area;
 - The living conditions of future occupiers of the proposed flat, and the living conditions of the occupiers of 254 and 258 Chingford Mount Road, with particular regard to external amenity space, outlook, daylight, sunlight, and refuse facilities; and
 - Sustainable travel, with particular regard to cycle storage.

Reasons

Character and appearance

3. The appeal property is a two-storey terraced building located within a busy shopping parade. The appeal property is characterised by its traditional features, such as its pitched, tiled roof and chimney, but has been modified over time through the addition of modern features such as the shop front, signage, and a single storey rear extension.
4. The two-storey outrigger with a gable end gives the building an L-shaped layout. A commercial unit is located at the front of the building at ground floor level and a two-bedroom flat occupies the first floor. To the rear of the outrigger, a flat-roofed single storey extension hosts a two-bedroom flat. The proposal involves the construction of an additional two-bedroom flat above the existing single-storey rear flat. The proposed flat would adjoin the outrigger and would be adjacent to the existing first-floor flat.

5. To the rear of the appeal property is a car parking area located within a service yard. The area around the appeal site has been extensively developed and is dominated by flat-roofed single-storey and two storey projections and free-standing units.
6. Through its siting above the existing single-storey flat, the proposal would create a two-storey, flat-roofed block which would appear of considerable depth and bulk. Due to its long, rectangular form, asymmetrical design and extensive brick sections lacking in architectural detail or visual interest, the proposed flat would appear unappealing and of poor design quality. The visual impacts of the proposal would be exacerbated by the scheme's flat-roofed design, which would appear dominant and out of keeping with the more traditional appearance of the appeal property.
7. The scheme's form would not be dissimilar to surrounding development, such as the adjacent large, two-storey, flat roofed extensions at the rear of neighbouring Nos 254 and at 258-260. However, I have not been provided with details of those cases and it is therefore uncertain if such developments benefit from planning permission which limits the weight to which I can attach to them in my decision. In any event, their presence does not justify the harm which I have identified.
8. In addition, the block plan indicates that waste and recycling bins would be stored at the rear of the appeal site at the existing parking area. The Urban Design Supplementary Planning Document 2010 (Urban Design SPD) requires proposals to describe the visual impacts of the refuse storage on the public realm. The proposal does not meet this guidance and therefore the visual effects of the refuse storage are uncertain.
9. Consequently, the proposal would give rise to harm to the character and appearance of both the appeal property and surrounding area. The proposal would therefore conflict with Policy DM29 of the Waltham Forest Local Plan Development Management Policies 2013 (DMP) which expects new development to deliver a high standard of urban and architectural design which reinforces local character, responds to its context in terms of scale and massing, and is visually attractive, making use of high-quality materials. In addition, the proposal would conflict with Waltham Forest Local Plan Core Strategy 2012 (CS) Policy CS15 and London Plan 2021 Policy D1 which require new development to respond positively to the local context and character.

Living conditions

10. The outdoor space within the appeal site includes a parking area to the rear and a pathway alongside the ground floor flat, providing access to the flats and commercial unit. The proposal does not include the provision of private outdoor external amenity space such as a garden or balcony.
11. The appellant's statement suggests that a garden cannot be provided due to the constrained nature of the site, that the need for external amenity space would be more limited since the flat would not likely be occupied by a family, and that public open spaces are available within walking distance of the site.
12. The site's constraints do not obviate the need to provide a suitable standard of living accommodation for residents through the inclusion of external amenity space. The Urban Design SPD indicates that all dwellings should have access to

a private space not overlooked from public areas. Whilst a public park is located within walking distance from the site, this would not wholly compensate for the provision of external space directly accessed from the dwelling. In addition, the proposal does not justify why other forms of external amenity space, such as a balcony, have not been included. This lack of external amenity space provision would harm the living conditions of future occupants.

13. The proposed flat's rear windows would directly overlook the parking area, with its side windows facing the rear section of commercial units. The area surrounding the appeal site consists of functional commercial buildings devoid of visual interest and of poor aesthetic value, dominated by security features such as metal roller shutters, fencing and cameras which contribute an unwelcoming, utilitarian character. The side windows would face the existing rear projection of No 254 and flank wall of the public house at Nos 250-252. In the absence of defensible, private outdoor amenity space providing separation between public and private areas and the poor-quality urban environment surrounding the site, the proposed flat would offer poor outlook which would adversely impact upon the future occupant's living conditions.
14. From my site visit, I found that neighbouring address No 258, along with No 260, is occupied by a high street bank and does not provide living accommodation. As such, the proposal is not expected to affect living conditions at No 258.
15. Also adjoining the appeal property is No 254 which includes a commercial unit at the ground floor and a flat at the first floor. Whilst I have not been supplied with a floor plan for No 254, from my site visit I identified a window on the rear elevation of the main part of the building which appears to serve a habitable room. Whilst outlook from this rear-facing window is partially enclosed by the existing outriggers of Nos 254 and 256, the window provides occupants with outlook over No 254's rear yard and the ground floor flat at No 256. The window would provide a source of daylight and, due to its orientation, would receive direct sunlight in the mornings.
16. The plans indicate that the proposed flat would extend approximately 15.75m beyond the appeal property's outrigger. Due to the scale of the proposed development and its location at the first-floor level, it would create a sense of enclosure which would harm outlook from, and significantly reduce the amount of daylight and sunlight available to the rear window of the first-floor flat at No 254, giving rise to harm to the living conditions of its occupants.
17. For the reasons set out above, the proposal would adversely impact the living conditions of future occupiers of the proposed flat and the living conditions of the occupiers of the first-floor flat at 254 Chingford Mount Road, with particular regard to external amenity space, outlook, daylight and sunlight. The proposal would therefore conflict with DMP Policy DM7 and the guidance in the Urban Design Guide SPD which require all homes, including flatted development, to have access to an element of private space including balconies. In addition, the proposal would not satisfy the minimum private outdoor space standards set out in Policy D6 of the London Plan 2021.
18. The proposal would be contrary to DMP Policy DM4 which requires residential extensions and alterations to protect the occupiers of nearby properties from suffering any excessive loss of residential amenity and would conflict with DMP Policy DM29 and DMP Policy DM32 which require proposals to ensure that

daylight, sunlight and outlook is maintained for the occupants of new habitable rooms and their neighbours. Furthermore, the proposal does not provide details of refuse collection arrangements as required by DMP Policy DM32 and therefore does not demonstrate that the environmental standards set out in CS Policy CS13 will be achieved.

Cycle storage

19. Whilst its footprint is not demarcated, the block plan indicates the proposed location of a secure bike shed to accommodate two cycles. The proposal would therefore meet the minimum standards for cycle storage required by DMP Policy DM16 and the Urban Design SPD and supports cycling as a sustainable mode of travel in accordance with CS Policy CS7.

Other Matters

20. The appellant's statement notes that the proposal would contribute to the supply of housing through development of a smaller site in an urban area. However, the benefits of the proposal's modest increase to the area's housing supply of one dwelling would not outweigh the harm I have identified in respect of character and appearance and living conditions.

Conclusion

21. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR