



Appeal Decision

Site visit made on 13 September 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 02 December 2022

Appeal Ref: APP/U5930/W/22/3295694

97 Harold Road, London E4 9ST

- 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 Ms Karen Fairhurst of Bing Yang Ltd against the decision of Waltham Forest London Borough Council.
- The application Ref 203655, dated 24 November 2020, was refused by notice dated 1 March 2022.

The development is described as proposed new three bedroom house.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was made in the name of Ms Karen Fairhurst of Binyang Ltd. It has been confirmed that there was a typing error in the appeal form and that the company name is Bing Yang Ltd, as detailed on the application form. Ms Fairhurst is a representative of that company.
3. Natural England issued an Interim Advice Letter on 6 March 2019 in respect of the Epping Forest Special Area of Conservation (SAC) which is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Waltham Forest shares a boundary with the SAC and has been found to be within a wider Zone of Influence (ZOI) based on the distance the majority of visitors will travel to the SAC. As such the whole of the London Borough of Waltham Forest falls within the ZOI for recreational pressure. Natural England has been consulted and is content that interim measures are in place until a full mitigation strategy can be agreed and adopted, including costed Strategic Access Management Measures (SAMM). Natural England is aware, and it has been agreed that the SAMM levy is not being sought for schemes of less than 10 units. Natural England has commented that they are satisfied that the proposal would avoid and mitigate impacts to the European site as part of the overall Waltham Forest strategy. Whilst the appeal process would result in a net increase of one dwelling, as I am dismissing the appeal, I do not need to consider this matter further as it could not lead me to a different conclusion.

Main Issue

4. The main issue is the effect of the proposal on the host property and to the character and appearance of the area.

Reasons

Character and appearance

5. Number 97 Harold Road is a traditional semi-detached, two-storey dwelling in a residential area of mainly semi-detached properties. The house has a pitched roof with an existing flat roofed extension to the rear, and a rear dormer extension. To the side it has a narrow, rectangular garden area which is the appeal site. The site is a corner plot, sharing a boundary with Gunners Grove which runs parallel to the site, and is sited on a crossroads.
6. The proposal would be attached to no 97, infilling the width of the plot, up to the boundary with Gunners Grove. The design of the front of the house would largely replicate the design of no 97. To the rear it would have a flat roofed single storey element, again reflecting that at no 97, and have a box dormer across the majority of the rear roof slope.
7. A significant number of houses along Harold Road have been extended to the side with two storey extensions, often replacing or building upon single storey garages. This has created more substantial properties. However, this does not detract from the overall characteristic of pairs of semi-detached houses, mostly with hipped roofs, located along the road. Constructing a new property to the side of no 97 would alter this rhythm and create a terrace of three houses in a prominent location on a corner plot at a road junction. This would be exacerbated because of the design of the roof form of both no 97 and the proposal. No 95, attached to no 97, has a hipped roof, with a two-storey, hipped roof extension to the side, which is set back. No 97 has, and the proposal would have, a ridged pitched roof with a gable end. This would create a very unbalanced development, which because of its prominent location would add a discordant element into the street scene.
8. The proposal would result in a high two-storey side elevation parallel to and built up to the boundary with the adjoining pavement. The dominance of this elevation would be increased by the large flat roofed dormer on the roof. This combined with the existing large dormer on the host dwelling would result in a bulky, overbearing form of development. This would not be reflective of the character of the area, which despite any two storey side extensions does retain visual gaps between the pairs of housing. This would therefore harm the character of the area.
9. The site currently provides a clear view of the bungalows and the gardens along Gunners Grove to the rear. This creates an impression of space, with longer views beyond to trees on the skyline. Extensions to houses in the adjoining residential streets around the crossroads, are largely single storey and set back from the roadside. Therefore, a sense of openness around the buildings is retained, not one of overdevelopment which this proposal would create.
10. For the reasons set out above, the proposal would harm the character and appearance of the area. It would not accord with Policy CS15 of the Waltham Forest Local Plan Core Strategy, 2012, and Policies DM4 and DM29 of the London Borough of Waltham Forest Local Plan Development Management Policies, 2013, as well as the 'Urban Design', Supplementary Planning Document, adopted February 2010. These policies combined seek to ensure the creation of a satisfactory environment and well-designed places.

Planning balance

11. Both parties have highlighted that relevant development plan policies support the provision of housing within the borough to contribute to increasing the housing supply in London. Whilst paragraph 69 of the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, the provision of one additional unit would not make a substantial difference. Although the proposal would be in an urban area where there would be access to facilities, creating well-designed buildings that are appropriate to the character of an area is an important aspect of sustainable development. The provision of one house would provide some economic benefits but the overall harm to the character and appearance of the area that has been identified would not achieve the environmental objectives required to achieve a sustainable form of development. The conflict identified with the development plan is therefore not outweighed by other considerations including the contribution of this small site to meeting the borough's housing requirement.

Other Matters

12. The appellant considers that the house would be of a size required in the borough, appropriate internal and external amenity space would be provided, and there would be no loss of privacy for neighbouring properties. These would be normal requirements of acceptable development and are neutral factors and would not overcome the harm that I have identified.
13. Although the proposal would create one parking space to the rear, there is no discussion of the provision of parking for the host property no 97. As I am dismissing the appeal, I have not considered this further.
14. Whilst the appellant considers that the proposal would remove extensions and outbuildings which clutter the site, no evidence of these has been provided. This would, however, not affect the outcome of this decision.
15. The appellant has highlighted that the site is not in a conservation area and is not within the setting of a listed building. Notwithstanding this, the proposal has been found to have a harmful effect on the character and appearance of the area.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
17. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR