



Appeal Decision

Site visit made on 13 February 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2023

Appeal Ref: APP/U5930/W/22/3296316

270A High Road Leytonstone, Leytonstone E11 3HS

- 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 Hussein Hasan against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 212952, dated 8 September 2021, was refused by notice dated 5 November 2021.
 - The development proposed is the construction of a mansard roof extension including front and rear windows.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effects of the proposal on the character and appearance of the host property and the area; and
 - whether the proposal would provide acceptable living conditions for future occupiers with regard to living space.

Reasons

Character and Appearance

3. There are some variations in design between the properties in the terrace in which the appeal property sits, in particular the different frontages to the commercial uses at ground floor. However, the materials, regular fenestration and a consistent roofscape with a traditional V shaped or butterfly roof with raised parapet walls to the front gives the street scene a relatively homogeneous appearance and a discernible rhythm to the built form.
4. Although the proposed mansard roof, which would provide additional accommodation for the first floor flat, would be set behind the parapet wall, it would still be visible from public areas. It would also be visible in views from neighbouring properties opposite and to the rear.
5. The proposal would remove the butterfly roof, which the Council's 2010 Residential Extensions and Alterations Supplementary Planning Document (the SPD) identifies as being generally present in some of the Victorian terraces, and which I observed in the vicinity. The SPD advises that mansard type extensions to butterfly roofs, where they are part of a terrace, will generally

not be acceptable unless carried out in conjunction with neighbours to achieve a meaningful grouping of roof alterations. The proposal would represent an isolated addition to the roof of the terrace.

6. The addition of the mansard roof would substantially change the roof shape of the host property. It would increase its height and the mass of its roof structure. Due to its height and width, the proposal would appear as an incongruous and bulky addition that would dominate the property and give it a top-heavy appearance. The mansard roof would be out of character with the original form of the property and would disrupt the relatively consistent roofscape along the terrace.
7. I appreciate that a number of traditional features would be retained, including the parapet wall, the existing fenestration and the building typology. Nevertheless, this would not overcome the harm that I have identified, nor would the use of matching materials and joinery details.
8. Consequently, I conclude that the proposal would significantly harm the character and appearance of the host property and the area. It would therefore conflict with the requirements of Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy, adopted 2012 (the CS), and Policies DM4 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan, adopted 2013 (the DMP). In summary, these policies require all development to demonstrate high quality design, to respond positively to the local context and character, and in the case of residential extensions and alterations, to relate to the host building and respect the street scene.

Living Conditions

9. Policy D6 of the London Plan 2021 requires housing developments to meet the Nationally Described Space Standards. Policy DM7 of the DMP provides internal space requirements to ensure a high standard of residential accommodation.
10. The proposal includes the provision of two new bedrooms, meaning that the flat would change from a one-bedroom flat over one floor to a three-bedroom flat over two floors. Policy D6 of the London Plan specifies minimum internal space standards for three-bedroom two-storey dwellings as 84 square metres (sq. m.) to 102 sq. m. The application form sets out that the gross internal floor area of the flat as proposed would be 68.88 sq. m. This is significantly below what are expressed minimum standards. The proposal would also be below the corresponding space standards in Policy DM7 of the DMP.
11. The floor area of the existing bedroom is identified by the Council as being around 8.8 sq. m. and the two proposed bedrooms as 8.5 sq. m. The accuracy of this has not been contested by the appellant. All three bedrooms would be too small to be classed as double/twin bedrooms, based on the figures in Policy D6 of the London Plan which requires that such bedrooms must have a floor area of at least 11.5 sq. m. They would however be above the minimum floor area of 7.5 sq. m for a one bed space single bedroom. I am not convinced that a lack of a double/twin bedroom would bring the proposal into conflict with Policy D6 of the London Plan. Nevertheless, this would not alter my finding above regarding the overall size of the proposed development.
12. Furthermore, Policy DM7 requires a minimum combined floor area of living, dining and kitchen spaces of 25 sq. m. in a three-person dwelling. I appreciate

that this standard is not explicitly identified as applying to a combination open plan floor layout. However, the proposed floor plan does not show an open plan layout for such living space. In any event, I am not convinced that this makes a material difference to the floorspace requirements in the policy. The submitted information identifies that the proposal would provide 19 sq. m. of living/kitchen/dining space. This is below the minimum requirement by more than a marginal degree.

13. The space standards are intended to act as a benchmark for high design quality, to ensure that homes are of adequate size and fit for purpose and to mitigate against the adverse effects of overcrowding. As a result of the shortfall in internal space, the proposal would not provide the high quality living environment or the comfortable and functional layout expected by Policy DM7 of the DMP and Policy D6 of the London Plan. Accordingly, I conclude that the proposal would not provide acceptable living conditions for future occupiers with regard to living space.
14. The proposal would therefore conflict with the requirements of Policy DM7 of the DMP and Policy D6 of the London Plan, as summarised above. It would also conflict with Policies CS2, CS13 and CS15 of the CS and Policies DM4 and DM29 of the DMP. These policies are aimed at securing well designed developments to create an attractive and healthy environment for residents, recognising that this can improve social wellbeing and quality of life. Although not specifically including space standards, the quality of internal space in a dwelling is nevertheless an important component of a well-designed residential building.
15. The Council has referred to Policy DM32 of the DMP in its second reason for refusal. This policy is aimed at managing the impact of development on occupiers and neighbours. While appreciating the Council's view that this policy along with Policies DM4 and DM29 of the DMP work in conjunction with each other to ensure well designed residential accommodation, the reference to living conditions considerations is focussed on light, outlook, and privacy. These have not been raised as a matter of concern by the Council, nor do I find the proposal unacceptable in these respects given the windows proposed, the property's orientation and the separation distances between neighbouring properties. Consequently, I do not find a conflict with Policy DM32 of the DMP.

Conclusion

16. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR