



Appeal Decision

Site visit made on 28 March 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4th April 2023

Appeal Ref: APP/U5930/W/22/3300319

57 Priory Avenue, Walthamstow E17 7QP

- 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 Murat Kiran against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 210367, dated 30 January 2021, was refused by notice dated 21 April 2022.
 - The development proposed is a detached 1 bedroom new dwelling on land rear of No. 57 Priory Avenue.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the development on the character and appearance of the surrounding area; (ii) the effect of the development on the living conditions of occupiers of No. 55 Priory Avenue and No. 56 Cedars Avenue with regard to light, outlook and privacy; (iii) the effect of the development on the living conditions of future occupiers with regard to the provision of outdoor amenity space; (iv) the effect of the development on car parking conditions and consequently highway safety; and (v) whether the proposed development would make adequate provision for refuse storage.

Reasons

Character and appearance

3. The site is an end of terrace dwelling at the junction of Priory Avenue and Sylvan Road, with rear garage fronting onto Sylvan Road. The surrounding area is residential, made up primarily of traditional style terraced dwellings. Various extensions and alterations are visible at nearby properties, along with examples of single storey rear outbuildings set within gardens in the area.
4. The proposal would demolish the existing garage and erect a two storey dwelling in its place. It would be finished in an off-white render and feature materials such as black cedar slats, dark grey tiles and aluminium fascia. Accordingly, it would overall have a contemporary external appearance, introducing a dwelling design that would appear at odds with the traditional style of surrounding properties, reading as out of place in the vicinity.
5. While nearby rear outbuildings are visible, the proposal would be the first example of a 2 storey backland dwelling in immediate area. As such, it would

fail to respect the immediate pattern of development. Although the current garage at the site is of limited architectural merit, it remains a discrete feature within the streetscape due primarily to its single storey scale, reflective of other rear outbuildings. By contrast, the proposal, despite its shallow roof form, would be a more notable addition that due to its overall height and its use as a separate dwelling, would appear incongruous in this location.

6. For the reasons given, the proposal would have a significant adverse effect on the character and appearance of the area. It would fail to comply with Policy CS15 of the Waltham Forest Local Plan Core Strategy, March 2012 (the CS), Policy DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan, October 2013 (the DMP) and the Waltham Forest Urban Design Supplementary Planning Document (the UDSPD) insofar as they seek to ensure development responds to local context and character and takes account of pattern of development, urban form and materials.

Living conditions – neighbouring occupiers

7. The proposal would run along the boundary with the rear garden of No. 55 Priory Avenue, directly abutting useable garden space at this property. While it would be similar in depth to the current garage in this position, it would be considerably taller due to its two storey nature, even taking account of its roof form. As such, it would appear as a dominant and featureless expanse of built form when viewed from this location, creating an undue sense of enclosure.
8. For similar reasons the proposal would result in unacceptable overshadowing of the rear external space of No. 55. Its scale and positioning relative to this narrow garden would reduce the amount of light reaching this space. This would cause additional overshadowing and increase the length of time during the day when the closest parts of the garden of No. 55 would lack direct sun, overall reducing the occupiers' enjoyment of the garden area
9. With regard to No. 56 Cedars Avenue, the proposal would be setback from the shared boundary with the rear garden of this property, with boundary treatments screening views from the ground floor of the proposed dwelling. However, the first floor bedroom window on the rear elevation of the proposal would, due to its position, provide clear and direct views of the rear garden of No. 56, significantly reducing the privacy of this space for occupiers.
10. In addition, the UDSPD recommends a separation distance of 20m between habitable room windows in opposing dwellings for the purposes of privacy. This would not be met by the second floor rear window of the proposal relative to the rear windows of No. 56. While this represents guidance rather than policy, it remains a material consideration. Combined with the views towards the rear garden of No. 56, this limited separation distance would result in an overall undue level of overlooking of No. 56 from the proposed dwelling.
11. For the reasons given, the proposal would have a significant adverse effect on the living conditions of occupiers of No. 55 Priory Avenue with regard to light and outlook and of occupiers of No. 56 Cedars Avenue with regard to privacy. It would fail to comply with Policy DM32 of the DPD, the UDSPD and the Waltham Forest Residential Extensions and Alterations Supplementary Planning Document, February 2010 insofar as they seek to ensure that daylight, sunlight, outlook and privacy is maintained for neighbours in their

homes and gardens. While reference is also made to Policy CS15 of the CS and DM29 of the DPD, these relate to design.

Living conditions – future occupiers

12. Policy D6 of the London Plan sets out standards of private outside space that apply where there are no higher local standards in the borough development plan. In this regard, Policy DM7 of the DPD sets out minimum external space standards, citing a requirement of at least 50sqm of private amenity space for one bedroom dwellings. In accordance with submitted plans, the proposal would provide circa 14sqm of private amenity space to the rear of the dwelling, failing to comply with the requirements of Policy DM7.
13. Site constraints prevent the proposal from meeting external space standards, and the internal space provided at the proposal would exceed policy requirements. Nevertheless, it remains that the outdoor area would be unable to comfortably meet the range of uses reasonably expected of such space, due to limited dimensions and the presence of cycle and waste storage. Even acknowledging the single bedroom nature of the proposal, there would be little remaining space to support the day to day living of future occupiers with regard to sitting out, hanging washing or placing residential paraphernalia.
14. While development of small sites is encouraged, it remains that development should provide adequate living conditions for future residents, including with regard to the provision of suitable outside space.
15. For the reasons given, the proposal would have a significant adverse effect on the living conditions of future occupiers with regard to the provision of external space. It would fail to comply with Policies CS13 and CS15 of the CS, Policies DM7 and DM29 of the DPD and the UDSPD insofar as they seek to ensure development provides an appropriate level of external space and satisfactory amenity for future occupiers. While reference is also made to Policy DM23 of the DPD, this relates to health and wellbeing.

Parking

16. Policy DM16 of the DPD encourages car free development in locations that are highly accessible by public transport and/ or have high levels of parking stress. It seeks to resist proposals that are likely to reduce on-street parking where on-street spaces cannot meet the existing demand. Policy CS7 of the CS also seeks to promote car free development.
17. Although the proposal is for a one bedroom dwelling, it remains that it has the potential to generate additional demand for parking. With no off-street spaces provided as part of the scheme, the development could therefore lead to additional on-street parking within the vicinity of the site, which is a controlled parking zone. While it is a snapshot in time, I noted on my visit that the surrounds were heavily parked.
18. I acknowledge the National Planning Policy Framework states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Due to the observed limited capacity of the controlled parking zone to accommodate further on street parking, I find that even the level of parking likely to arise from a one-bedroom dwelling would add to parking stress in the vicinity of the site, interfering with the free flow

and operation of the immediate highway network. In addition, as the site is in an area with a high PTAL rating it falls in a location where car free development is encouraged and promoted by Policy DM16 of the DPD. As such, I agree with the Council that a planning obligation to restrict the issuing of car permits to future occupiers is both reasonable and necessary in this instance to achieve the policy aims. No such obligation is before me.

19. For the reasons given, the proposal would have a significant adverse effect on car parking conditions and consequently highway safety. It would fail to comply with Policy CS7 of the CS and Policy DM16 of the DPD insofar as they seek to promote and encourage car free development.

Refuse Storage

20. The Officer's Report states that Council guidance is for external bin stores at new street-level property development to be located at the property's front boundary. However, due to the position and the orientation of the proposed dwelling relative to Sylvan Road, provision of such a bin store would not be possible in this instance.
21. Rather, a bin store would be located to the rear of the proposed dwelling. The submitted plans do not show the precise extent or positioning of this store, and indicate that bins would be brought through the proposed dwelling in order to be placed on the street for collection. However, the appellant in its submissions that a gate would allow direct access to the street from the rear of the appeal site.
22. On this basis I am satisfied that, had the proposal been acceptable in all other aspects, the location, amount and access to the refuse storage to be provided on site could have been addressed by way of an appropriately worded condition requiring submission of such details for the approval of the Council.
23. For the reasons given, subject to the above-mentioned condition, the proposal would make adequate provision for refuse storage. It would comply with Policies DM23 and DM32 of the DPD and the UDSPD insofar as they seek to ensure development provides facilities for the storage, collection and disposal of refuse. While reference is also made to Policies CS13 and CS15 of the CS and Policy DM30 of the DPD, these relate to health and wellbeing and design.

Other Matters

24. It has been raised that the proposal would develop a small site to provide an additional house in a suitable location, aiding the Council in meeting its housing targets. However, due to its single dwelling nature the overall benefit in this regard would be limited, and would not outweigh the harm identified above.

Conclusion

25. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR