



Appeal Decision

Site visit made on 18 April 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2023

Appeal Ref: APP/U5930/W/22/3310391

Garage site adjacent to No. 61 Hollywood Way, Woodford Green, London IG8 9LG

- 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 Charlie Lowry against the decision of Waltham Forest London Borough Council.
 - The application Ref 221193, dated 22 April 2022, was refused by notice dated 3 August 2022.
 - The development proposed is the demolition of existing garages and the construction of a new two-bedroom dwelling with a basement.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - The effect of the proposed dwelling on the character and appearance of the area; and
 - Whether the proposed dwelling would provide adequate living conditions for future occupiers, with particular regard to outlook, daylight and provision of external private amenity space.

Reasons

Character and Appearance

3. The appeal site relates to a rectangular parcel of land situated between the side elevation of 61 Hollywood Way and the rear garden of 59 Hollywood Way. The site currently contains a single storey garage building.
4. The wider area is predominantly characterised by pairs of large semi-detached houses of a similar scale in terms of their height and width, with most having generous plots contributing to the open, spacious character of the area. The materials used on these properties are mostly a mix of brick and render with tiled roofs. Whilst I observed some variety, there is an architectural rhythm which provides Hollywood Way with a strong sense of character.
5. The proposed dwelling would appear as a two-storey dwelling but would provide accommodation across three floors. I note that the proposal has sought to provide a contemporary design approach, which does not seek to replicate the surrounding character. However, the extensive use of red brick in the

- design, which is typically only found on lower storeys of existing dwellings, and at a much lower ratio, would introduce a dominant and incongruous form of development that would fail to respond positively to the character of the area.
6. The window proportions have been designed to maximise the provision of daylight into the dwelling. However, as a result of their size and greater vertical emphasis, they would appear at odds with the character of neighbouring dwellings.
 7. The dwelling, by virtue of the constrained site, would be narrow, which is not reflective of the scale and size of neighbouring properties. It is noted that No 61 has previously been extended, which unbalances the existing pair. However, the siting of the proposed dwelling would effectively create a short terrace of dwellings, which would be at odds with the character of this side of the street.
 8. The spacious gaps between the dwellings are a positive feature of the area. Where these gaps have been eroded, it is generally through extensions to existing dwellings, rather than as a result of infill development. My attention has been drawn to No's 60 – 70 Hollywood Way which are located opposite the appeal site, some of which have been extended to the side and as a result, these properties are now viewed as more of a terrace. However, this is not reflective of the wider character of the area and I do not consider that it contributes positively to the character and appearance of the area.
 9. My attention has also been drawn to No 54 Hollywood Way, which is a detached dormer bungalow design and is located within a corner plot, and to No 80 which is also a detached property. Whilst these properties contribute to some architectural variety in the area, these detached properties are not typical of the surrounding character and are not comparable in terms of form and design to the appeal proposal.
 10. I have had regard to the existing condition of the site, which contains some modest, poor quality garage buildings. I do not disagree that these buildings are not particularly in keeping with surrounding development. However, they are not prominent within the street scene and are mostly hidden behind large gates, which are of similar appearance to the neighbouring fence. As such, I do not consider that any benefits arising from the replacement of these buildings would outweigh the harm identified to the character and appearance of the area.
 11. Therefore, I conclude that the proposal by virtue of its size, design and siting would result in an incongruous form of development that would cause unacceptable harm to the character and appearance of the area. This is contrary to Policy D4 of the London Plan (2021), Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) (CS), Policy DM29 of the Waltham Forest Local Plan Development Management Policies (2013) (DMP), and Policy CDP2 of the Highams Park Neighbourhood Plan (2020) (HPNP). Amongst other things, these policies require high quality design that responds positively to and reflects the character and appearance of the area, having regard to materials, scale, height, mass, and the existing pattern of development.
 12. The proposal would also be contrary to guidance contained within the Supplementary Planning Document Urban Design (2010) (SPD) which states that the scale, height and massing of proposed development should be

considered in relation to its surrounding context, including adjoining buildings, the general pattern of heights in the area, the streetscape and urban grain, and where appropriate the impact on the skyline and local views.

Living Conditions – Future Occupiers

13. In terms of the provision of external private amenity space, the dwelling would have access to a small courtyard to the rear. Despite it not being referenced in the Council's reason for refusal, the main parties both refer to Policy DM7 of the DMP in evidence and there is no dispute by them that the proposed provision of private amenity space falls below the minimum requirement of 50m² contained within Policy DM7.
14. Whilst Policy DM7 does allow for some flexibility, in doing so, it first requires consideration of the context and character of the area and the size and constraints of the site. In this particular case, the character and context of the surrounding area is for large, spacious plots, with good provision of external private amenity space. In addition, the site is within close proximity to the Epping Forest SAC where there is a need to mitigate additional recreational pressure on this site by resisting homes that fail to provide sufficient amenity space.
15. Although the proposed dwelling would benefit from a front garden, this would not be private. The appellant has also sought to mitigate the under provision of external private amenity space by increasing the provision of internal accommodation and it is recognised that the overall floorspace of the dwelling would exceed the minimum requirements set out in the London Plan and the DMP. However, these factors would not overcome the under provision of external private amenity space.
16. My attention has been drawn to a recent application¹ at 45 to 50 Forest Drive, which was granted full planning permission for a single dwelling, with approximately 15m² of external amenity space, which is of a similar size to the appeal proposal. However, I have only been provided with limited details of this application and therefore I have been unable to consider whether there are any direct comparisons between the two sites. In any case, I have considered this scheme on the basis of its site-specific constraints and surrounding character.
17. I have had regard to the external private amenity space requirements for flats, which are less than those for houses. However, whilst this is noted, the proposal is for a house, capable of providing family-sized accommodation. The amount of usable space is constrained and although shown to be capable of accommodating a table and chairs, it falls well below the minimum standard and would be at odds with the prevailing character of the area.
18. Whilst I have had regard to the size of the site and its constraints, taking the above into account, the proposal would fail to provide adequate external private amenity space for future occupants of the dwelling.
19. The outlook from the ground floor room would be adversely affected by its proximity to the rear boundary and the enclosed nature of the courtyard. This room is shown on the proposed plans as the kitchen, with a small dining area. Due to the constrained nature of the site and size of the courtyard, the outlook from this room as one of the main habitable rooms of the dwelling, would not

¹ Planning Application Ref: 200453

be acceptable. The proposed dwelling would therefore fail to provide adequate living conditions for the future occupants in respect of their outlook.

20. The master bedroom would be located in the basement with a sliding door providing some natural light and access to a small area of external space. The application was supported by an Internal Daylight Report (IDR), which concluded that the Building Research Establishment (BRE) standards for daylight would be met. Whilst the IDR concluded that the standards would only just be met, as this room would be used as a bedroom, the requirements for daylight are less than for primary rooms such as living rooms and kitchens. Therefore, I find that the proposal would provide adequate living conditions for future occupiers in relation to daylight provision.
21. Consequently, although I have found that the proposal would provide acceptable living conditions in respect of daylight, the proposal would not provide adequate living conditions in respect of outlook and provision of external private amenity space. Therefore, the development would be contrary to Policy D6 of the London Plan, Policy CS15 of the CS, Policies DM7 and DM32 DMP, which amongst other things, seek to ensure the provision of high-quality accommodation, which provides sufficient internal and external space and outlook.
22. The proposal would also be contrary to guidance contained within the SPD which requires a minimum of 50m² of private garden space to be provided for 1 or 2 bedroom dwellings.

Other Matters

23. The appellant submitted the proposal following pre-application advice. The Framework highlights the benefits of early engagement and of good quality pre-application discussion. The appellant has expressed concerns as to the Councils handling of the pre-application advice and how it subsequently dealt with the planning application. These however are matters for local government accountability. Nevertheless, I need to consider the proposal on its own individual merits.
24. The proposal would make a small contribution to the housing supply of the Borough. However, based on the scale of the proposed scheme, this is a very limited benefit which does not outweigh the harm identified to the character and appearance of the area.

Conclusion

25. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.

K Lancaster

INSPECTOR