



Appeal Decision

Site visit made on 2 August 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Appeal Ref: APP/U5930/W/22/3312764

44 Westdown Road, Stratford, Waltham Forest E15 2BZ

- 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 Urban R+D Limited against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 221881, dated 24 June 2022, was refused by notice dated 5 December 2022.
 - The development proposed is described as 'To refurbish the existing dwelling and erect a new house on the land to the side with a GIA of 99m²'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Urban R+D Limited against the Council of the London Borough of Waltham Forest. This application is the subject of a separate decision.

Preliminary Matter

3. The description of development in the banner heading above is taken from the planning application form. However, a more accurate description is the following, which is taken from the decision notice and appeal form: Subdivision of land and construction of three storey building to create a 3-bedroom house with associated refuse/recycle and bicycle storages, soft and hard landscaping. I have determined this appeal accordingly.

Main Issues

4. The main issues are a) the effect of the proposal on the character and appearance of the area, and b) whether satisfactory living conditions would be provided for future occupiers, with particular regard to outlook and outdoor space.

Reasons

Character and appearance

5. The appeal site is an irregular shaped corner plot, with frontages onto Westdown Road and Nutfield Road. It is currently the garden space of 44 Westdown Road, a two storey dwellinghouse.
6. The immediate locality is predominantly characterised by rows of two storey dwellinghouses. I observed that many have undergone alterations, namely with

regards to fenestration detailing, materials and porch additions. Nevertheless, the overall style, scale and massing of the properties remains consistent and strong, which creates a degree of uniformity.

7. I note that the fenestration on the Westdown Road frontage of the proposal would reflect some of the traditional features of the properties along the host terrace. When viewed from this part of the street scene, the proposal would read as a contemporary interpretation of the predominant Victorian dwelling types in this locality.
8. The siting of the proposal along the highway boundary is also not of particular concern in my mind, taking into consideration the many examples in the locality where end of terrace properties abut the footway. However, other parts of the development raise concern, notably the treatment of the side and rear elevations.
9. The varying projecting elements and roof forms, particularly the flat roof sections and the large rear dormer, add significant additional massing to the proposed dwelling. The design would be convoluted, causing the proposal to be an overly dominant addition to the street scene which is not easily legible or coherent. Furthermore, the large expanses of void along the side and rear elevations fail to assist in breaking up the bulky built form.
10. Additionally, the proposed front extension would be readily discernible from public vantage points, even despite the drop in floor levels as proposed. I am not convinced that it would be understood or interpreted by passers-by as a traditional outrigger which has been inverted, or that this is an appropriate approach in this street scene.
11. I appreciate that the existing boundary wall is high and that the proposal would largely reflect this, albeit with an updated design. Nevertheless, unlike the existing arrangement in which the garden beyond the high wall is perceivable as such and adds to a sense of space to this corner, the introduction of the front extension would interrupt the established layout of built form and be an intrusive feature which would create a harmful sense of uncertainty and unfamiliarity.
12. Along with the variety of materials proposed, all of the above factors would collectively cause the proposed dwelling to appear cramped within this small plot and it would be a prominent, incongruous and insensitive addition which would fail to integrate well in the street scene.
13. Accordingly, the proposal would harm the character and appearance of the area and thus conflicts with Policy D4 of The London Plan: The Spatial Development Strategy for Greater London (March 2021) (The London Plan), Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (March 2012) (the CS) and Policies DM4 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan (October 2013) (the DMP). Collectively, these policies seek to ensure that developments are of a high quality design, relate well to the locality and make a positive contribution to the urban environment and local distinctiveness, amongst other things.
14. It would also fail to accord with the guidance in the Urban Design Supplementary Planning Document (February 2010) and chapter 12 of the

National Planning Policy Framework in their aims for good urban design which contributes positively to the area.

15. CS Policy CS13 has been referred to in the Council's first reason for refusal however, as this concerns health and well-being, I consider it not to be of relevance to this main issue. Similarly, Policy DM32 of the DMP has also been referred to however this concerns managing the impact of development on occupiers and neighbours and thus is not related to this main issue.

Living conditions

16. The external space which would be available to future residents of the proposed dwelling would be predominantly located in the southwest corner of the site. The area adjacent to the front entrance would not provide high quality useable space for residents to spend time in.
17. The main garden area would be sunken and bound by a high boundary wall and fence. It would also be of a restricted size, significantly below that which is required by the development plan and what is typical within this residential area. Collectively, these factors would create a very strong sense of enclosure for future occupiers and a poor outlook from the adjacent ground floor habitable rooms. I am not convinced that conditioning landscaping would make a meaningful impact on the size and quality of space provided.
18. The evidence before me also indicates that the main garden space would often be in shade, at varying times of the day and year, despite its south westerly orientation. It would therefore be a very unattractive area for future residents to spend time in.
19. Whilst the size of the garden space available may exceed the standards set out within the London Housing Design Guide as referred to by the appellant, the development plan makes it clear of the minimum requirements. Even taking a flexible approach, for the reasons stated the external space would be a poor-quality environment for the total number of residents which the proposed development could accommodate.
20. The proximity of various parks and recreation facilities in the locality, regardless of their offerings and status within London, does not overcome the lack of on-site provision as the examples would nevertheless require a journey to them and would not provide private space for future occupiers.
21. Consequently, the proposal would fail to provide satisfactory living conditions for future occupiers and thus it conflicts with Policies C13 and C15 of the CS and Policies DM7, DM23 and DM29 of the DMP. Along with the guidance in the Urban Design SPD, these policies have a collective aim of ensuring developments provide appropriate standards of living.

Other Matter

22. I note that the appeal site is located within the zone of influence of the Epping Forest Special Area of Conservation. However, as I am dismissing this appeal for other reasons there is no need for me, as the competent authority, to consider this matter further as it would not affect my overall conclusion.

Conclusion

23. The proposed development would make a contribution to local housing supply. It would provide a dwelling in an existing residential area close to a range of shops, services and transport. It would create temporary employment opportunities during construction and there would be associated spending in the local area on subsequent occupation of the dwelling. However, given the small scale of the development, I afford limited weight to these benefits.
24. Whilst I note the support within Policy H2 of The London Plan for providing new homes on small sites, along with making efficient use of land, this is subject to them being well-designed. The comments made in support of the proposal do not add any positive weight in favour of the development.
25. Conversely, the proposal would harm the character and appearance of the area and would not provide satisfactory living conditions for future occupiers. Accordingly, the proposal conflicts with the development plan as a whole and there are no material considerations which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

H Ellison
INSPECTOR