



Appeal Decision

Site visit made on 12 September 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2023

Appeal Ref: APP/U5930/W/23/3315763

Garages adjacent 9 Guildsway, Lyne Crescent, London E17 5HZ

- 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 Kastriot Rexha against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 221719, dated 10 June 2022, was refused by notice dated 28 December 2022.
 - The development proposed is described on the application form as 'demolition of existing garages and construction of a two storey dwellinghouse with basement (1x2 bed) (use class C3). Associated works to include one parking space, hard and soft landscaping, bicycle parking and refuse and recycling storage facilities.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Waltham Forest Local Plan Part One Submission Draft is emerging and is currently being examined. Therefore, it is not adopted and I am not aware of the extent of any unresolved objections. Having regard to the advice in paragraph 48 of the National Planning Policy Framework (the Framework), I have given limited weight to the policies in the emerging plan.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to external amenity space; and
 - whether a legal agreement to prevent occupiers from applying for parking permits is necessary.

Reasons

Character and appearance

4. The appeal site comprises a rectangular corner plot situated directly to the west of 2 Lyne Crescent and north of 9 Guildsway. It is partly enclosed by a combination of high walls and metal gates and is occupied by three single storey garage structures, one of which projects forward of No 2. The low-lying nature of the garages on the site gives a sense of spaciousness on this corner and forms a notable break in the street scene.

5. The surrounding area is residential and is characterised predominantly by terraced and semi-detached two storey dwellings of simple and largely consistent appearance. Properties are set back from the road behind low boundary walls and small front gardens and arranged in a linear fashion with uniform building lines and a strong street scene presence, which contributes positively to the character of the area.
6. The appeal proposal would be a two storey detached dwelling with additional accommodation at basement level. External amenity space would be located to the rear and the western side of the property with a parking space to the rear and flower beds to the site frontage. The dwelling would have a gable end to the side adjacent to No 2 and a hipped roof to the other side. The roof would follow the eaves and ridge heights of adjacent properties on Lyne Crescent and Guildsway. The proposal would also reflect the neighbouring properties in terms of fenestration and external materials.
7. The ground floor frontage would step forward of the building line of the adjacent properties on Lyne Crescent by around 2m whilst the first floor would align with the front and rear elevations of the adjacent properties. This break in the uniform building line at ground floor level would be readily apparent due to the highly prominent corner position and proximity of the proposal to side of No 2 and would be harmful to the street scene. Whilst some properties in the surrounding area have bay windows and small front porches, I did not observe any single storey front projections of the size or type proposed. I acknowledge that the ground floor element of the new dwelling would replicate the position of the existing garage on the site which steps forward of No 2. However, this structure is an incongruous feature of the street scene and is not a good example to follow in my view. The western side elevation of the proposed dwelling would project a minimal amount beyond the building line of 9-19 Guildsway, which would not be harmful to the street scene.
8. The deeper ground floor section of the dwelling with a much narrower first floor would result in an awkward and disjointed appearance, particularly when viewed from the side. Moreover, as a detached dwelling the proposal would not reflect the pattern of development in the area which comprises semi-detached or terraced properties. I therefore find that the appeal proposal would not integrate well with the established street scene and it would appear as a prominent and discordant feature.
9. I acknowledge that the removal of the existing garages would tidy up the site and enhance this part of the street scene as well as partly concealing the gable end of No 2. However, there is no substantive evidence before me to indicate that the appeal proposal is the only means of developing the site and achieving these benefits.
10. I have been referred to examples of similar developments on corner plots in the surrounding area. However, their designs are materially different to the appeal proposal. The developments at 1 Lyne Crescent and 1 Shaw Square are effectively end terraced dwellings which continue the building lines of the attached properties and they do not include front projections. The new dwelling at 72 Millfield Avenue is detached but it also respects the building lines of adjacent properties. Therefore, in spite of these other developments, the surrounding area has retained a sense of cohesion. The examples referred to

do not provide a compelling precedent for allowing the appeal proposal which I have assessed on its own merits.

11. For the above reasons I conclude that, notwithstanding the revisions to the scheme, the proposal would be significantly harmful to the character and appearance of the area. It would be contrary to Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) (CS), Policy DM29 of the Development Management Policies Local Plan (2013) (DMP), and the Council's Urban Design Guide Supplementary Planning Document (2010). Amongst other things, these policies and guidance seek to ensure that development achieves a high standard of design which responds positively to local context and character.

Living conditions

12. The external amenity space for the proposed dwelling would consist of a rear patio adjacent to the rear elevation of the property and a small lawn beyond. The patio would wrap around the side of the property and this area would also be used for bin storage and cycle parking. Small flowers beds would be created to the site frontage and a single parking space provided to the rear.
13. The proposed dwelling would have two bedrooms and would consequently require a minimum external space of 50 square metres in accordance with the standards set out in DMP Policy DM7. However, the overall size of the useable external amenity space would be around 46 square metres. This shortfall would not be significant but nevertheless would be contrary to the requirements of the policy. In addition to being restricted in size, the external area to both the side and the rear would be relatively narrow spaces and hemmed in by high boundary walls and fences and by the dwelling itself and adjacent neighbouring properties. It would therefore be very confined in nature. Given these shortcomings, the external space would be unlikely to provide an adequate space to cater for the needs of future occupiers.
14. The appellant contends that the shortfall in external amenity space should be considered acceptable having regard to the similar size of neighbouring gardens at 2 and 4 Lyne Crescent, and to the generous internal accommodation proposed, which would exceed the minimum internal space standards set out in DMP Policy DM7 and the Technical Housing Standards, and would include recreational space at basement level. However, these factors would not overcome the under provision of external private amenity space. The appellant also refers to the availability of nearby public open spaces, including Tottenham Marshes, but these are not private spaces. Therefore I do not consider that these would provide sufficient mitigation for the shortage of private external amenity space on the site.
15. For the above reasons, I conclude that the proposal would fail to provide satisfactory living conditions for future occupiers, having particular regard to the provision of external amenity space. The proposal would conflict with CS Policy CS2 and DMP Policy DM7 which, amongst other things, requires new residential development to be of high quality both internally and externally.

Parking permits

16. The appeal site is located within a controlled parking zone with a residents parking permit scheme in place. The Council seeks a legal agreement to prevent future occupiers from applying for a parking permit.

17. CS Policy CS7 promotes sustainable travel by, among other things, managing parking requirements effectively across the borough. The policy aims to minimise the negative impacts of traffic and reduce reliance on cars by promoting car free developments. Car free development is also encouraged by DMP policy DM16 in locations that are highly accessible. However, the site is within an area with a Public Transport Accessibility Level of 2 and is therefore considered to have a low level of accessibility.
18. The proposed development would not be car free but would be served by one parking space within the appeal site. That would result in the net loss of two parking spaces which the Council has not specifically objected to. Whilst it is possible that the proposal could result in some additional demand for on-street parking, given the small size of the new dwelling it would be unlikely to significantly increase any parking pressure in the area.
19. For these reasons, I conclude that a legal agreement to restrict future occupiers from applying for parking permits is not necessary to make the proposal acceptable in planning terms. Core Strategy CS7 and DMP Policy DM16 encourage car free housing, but there is no explicit requirement in either policy for the proposed development to be car free. Therefore, despite the lack of a legal agreement, the scheme would not conflict with these policies in respect of car free housing.

Planning Balance and Conclusion

20. I find that a legal agreement to restrict access to parking permits is not necessary. I have no reason to disagree with the Council's view that the proposal would not be harmful to the living conditions of neighbouring occupiers. However, a lack of harm in respect of these matters is effectively neutral rather than weighing positively in favour of the proposal. I have also identified that the proposal would cause significant harm to the character and appearance of the area and would fail to provide satisfactory living conditions for future occupiers with particular regard to external amenity space.
21. I have had regard to the potential benefits of the scheme, including the provision of a new dwelling which would contribute towards the Borough's housing stock; together with employment opportunities created during the construction phase of the development and spending in the local area by future occupiers. However, given the modest scale of the development, the weight attributable to these matters is limited. I am satisfied that despite the limited benefits summarised above, that these would be significantly outweighed by the adverse impacts.
22. I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate the decision should be made other than in accordance with this. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

M Ollerenshaw

INSPECTOR