



Appeal Decision

Site visit made on 10 October 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/U5930/W/23/3317041

32 Mount Pleasant Road, Walthamstow, Waltham Forest E17 5RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Yvonne Morris against the Council of the London Borough of Waltham Forest.
 - The application Ref 223351, is dated 24 November 2022.
 - The development proposed is demolition of existing garage and outbuilding and construction of a single storey building including excavation to create basement to provide 2 bed house with off street parking and cycle storage.
-

Decision

1. The appeal is dismissed and planning permission for demolition of existing garage and outbuilding and construction of a single storey building including excavation to create basement to provide 2 bed house with off street parking and cycle storage is refused.

Main Issues

2. Following the submission of the appeal against non-determination, the Council has confirmed that it would have recommended refusal if it had had the opportunity to make a decision. From the evidence I have before me, together with observations from my site visit I consider the main issues to be the effect of the proposal on:
 - the character and appearance of the area, including trees; and
 - the living conditions of future occupiers, with regard to daylight/sunlight and outlook.

Reasons

Character and appearance

3. The appeal site accommodates a single storey brick outbuilding and garage and two timber sheds. While separated by a fence, the appeal site forms part of the garden of 32 Mount Pleasant Road, a semi-detached two storey dwelling located in a prominent corner plot at the junction of Mount Pleasant Road with Windsor Avenue. The surrounding area has a high-density residential character, comprising a range of house types. However, the arrangement of the pair of semidetached dwellings at the appeal location, located within spacious triangular plots and set back from the road with clear spacings to the side of the properties, creates a sense of spaciousness. This arrangement is mirrored on the opposite corner of the junction and this symmetry is a key

feature in the street, contributing positively to the character and appearance of the area.

4. The proposal would replace the existing unused outbuildings and make efficient use of previously developed land, adding a high-quality dwelling to the borough's housing provision within a key growth area. The appeal scheme would be of a similar height to the existing structures and is of a similar width to the existing outbuilding. However, the proposed building would be noticeably wider than the existing garage, and would result in a bulkier development, nearest the boundary with Mount Pleasant Road. As such, there would be a discernible difference in the built form above the boundary treatment, eroding the existing spaciousness to the side of the dwelling.
5. In doing so, the proposed dwelling would not respond positively to the existing pattern of development on both sides of the junction of Mount Pleasant Road with Windsor Avenue and would appear as an incongruous addition, unbalancing the otherwise harmonious character and appearance in this prominent corner plot location. I have considered the examples of other corner plots and while I acknowledge that there is variety in the pattern of development on corner plots in the wider area, this does not alter my consideration of the appeal site's spatial context and specific relationship with the street scene.
6. The proposal would formally subdivide the garden of 32 Mount Pleasant Road and result in the creation of a new dwelling. The remaining garden area for the occupiers of no 32 is said to exceed national, London and local average outdoor amenity provision requirements. Nevertheless, the proposed flat roofed, part subterranean development would not reflect the scale and mass of the dwellings that predominate on Mount Pleasant Road. The appeal scheme would be a visually discordant addition in the street scene due to the failure to respond to the prevailing pattern of development and local context.
7. Having had regard to the examples provided of infill housing schemes approved on other small sites, the context of the examples differs in overall appearance and relationship with the street scene. They are on different streets, and as such are not directly comparable, having different contexts to the proposal before me. The other examples do not, therefore, lead me away from my above findings.
8. Mount Pleasant Road has verdant qualities owing to the grass verges, front gardens and trees. There are a group of trees in the neighbouring garden adjacent to the appeal site which can be seen in public and private views and therefore have amenity value in the immediate locality. They contribute positively to the verdant qualities of the street and provide visual relief from the dense built form in the area. I note local support for the retention of the trees and that the Council's urban greening officer has indicated the importance of addressing any potential impact on nearby trees prior to determination of the scheme to inform the acceptability of the proposal in arboricultural terms.
9. Given the proximity of the trees to the shared boundary and that substantial ground works are proposed at the appeal site adjacent to the shared boundary, it seems likely that there may be some infringements into the root protection areas of the trees. The appellant has not undertaken a tree survey or an Arboricultural Impact Assessment to demonstrate the acceptability of the

proposal with regard to the nearby trees and any potential issues or mitigation that would be required. Accordingly, while I acknowledge that a green roof is proposed which would contribute to the verdant qualities of the area, in the absence of any detailed evidence, I cannot be sure that the adjacent trees would be protected to ensure their retention, and the positive contribution they make to the character and appearance of the area.

- 10 For the above reasons, the proposal would cause unacceptable harm to the character and appearance of the area, including trees, in conflict with policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) (CS) and policies DM29 and DM35 of the London Borough of Waltham Forest Development Management Policies Local Plan (2013) (DMP). Amongst other things, these policies require high quality design for all new housing development that gives strong recognition to local distinctiveness and spatial context. Proposals should also avoid the loss or damage of trees. It would also be contrary to the guidance set out within the Urban Design Supplementary Planning Document (2010) relating to development integrating with the surrounding context.
11. The Council also alleges a conflict with Policy CS13 of the CS with regards to this matter. This policy refers to promoting health and well-being. My attention has not been drawn to any words in this policy that are relevant to this main issue and as such, has not therefore been determinative in my decision.

Living conditions

12. The proposed basement floor plan shows a large, long open plan room, comprising a kitchen/dining area to the front served by a light well. The appellant has said in their supporting statement that in addition to this there would be two high wall windows on the side elevation. However, the proposed roof plan has labelled these windows as lightwells. Irrespective of whether windows or lightwells were provided on the side elevation in addition to the front light well, given the length and orientation of the room and limited size of the proposed openings, it seems to me that users of the room would be likely to rely mostly on artificial light. Furthermore, the outlook from the kitchen/dining area would be poor, owing to the size of the openings providing limited views.
13. There would be a living room area to the rear which I note would be served by relatively large windows. However, the location of the stairs in the middle of the large, long room proposed at basement level would reduce the amount of light from these windows reaching the kitchen/dining area to the front.
14. As such, the proposal would be harmful to the living conditions of future occupiers, with regard to daylight/sunlight and outlook, in conflict with Policy D6 of the London Plan (2021), Policy CS13 of the CS and Policy DM32 of the DMP. These policies include a requirement for the design of development to provide sufficient daylight and sunlight to ensure satisfactory amenity is provided for future occupiers.

Other Matters

15. The appeal site is located within the zone of influence of the Epping Forest Special Area of Conservation, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). I note the appellant's

agreement to contribute towards the Strategic Access Management and Monitoring levy. Notwithstanding this, the Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. However, consideration of the implications of the proposal upon the protected site is not required because the scheme is unacceptable for other reasons.

16. While I note the Council have concerns in relation to the accuracy of the plans, it is not necessary for me to consider this matter further given that I have found harm on the main issues above. The appellant has expressed frustrations with the Council's handling of the case however this does not alter or outweigh my findings which are based on the planning merits of this case.
17. The appellant suggests that appropriate car and cycle parking can be secured at the site, it would meet internal space standards and would not adversely affect the living conditions of neighbouring occupiers. Furthermore, the development would follow sustainable design principles to reduce carbon emissions. The lack of harm on these matters would, however, be a neutral factor and would weigh neither for nor against the development.

Conclusion

18. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR