



Appeal Decision

Site visit made on 9 January 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/U5930/W/23/3324077

210 Higham Hill Road, Walthamstow, London E17 5RQ

- 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 Mrs Amie Suen against the Council of the London Borough of Waltham Forest.
 - The application Ref 230005, is dated 2 January 2023.
 - The development proposed is the construction of a roof extension providing a first floor to existing residential unit including green living walls and PV Panels at roof level.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The Council issued a delegated report and draft decision notice dated 16 June 2023 which provides clarity in terms of the reasons why the Council would have refused planning permission had it been able to do so. The main issues below are therefore taken from the delegated report and the draft reasons for refusal.
3. I have used the Council's description of development since it more fully describes the proposal than that contained on the original planning application form.
4. I note there is a draft London Borough of Waltham Forest Local Plan that has been submitted to the Planning Inspectorate for independent examination. As the plan has not yet been adopted, its policies carry limited weight.
5. The National Planning Policy Framework was updated in December 2023, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes. Neither main party were asked for their views and no parties have been prejudiced as a result.

Main Issues

6. The main issues are the effect of the proposal on:
 - The character and appearance of the area
 - The living conditions of the neighbouring occupiers of 2 Claremont Road with particular regard to outlook.

Reasons

Character and appearance

7. The appeal site contains a recently constructed one bedroom dwelling with a single storey above ground level and a basement beneath. It sits to the rear of the end of terrace building at 2 Claremont Road and adjacent to the two-storey end of terrace building at 108 Higham Hill Road. There is a mixture of commercial and residential uses along the busy thoroughfare of Higham Hill Road and terraced residential streets leading off it. The area is characterised by densely developed two storey terraces, punctuated by more modern infill development.
8. Whilst I acknowledge that the proposal seeks to close the gap in the streetscape at first floor level with the construction of an additional storey, it is the gap itself which contributes to the character of the area. On my site visit I noted several similar gaps in the area, found where two sets of terraces are separated, providing a breathing space and reinforcing the distinction between runs of terraces. In this case, the gap provides some visual relief in a densely developed area and provides a view through to the rear of the buildings on Claremont Road.
9. I acknowledge that the elevational treatment of the proposed extension in the form of a living wall would be innovative and would provide visual interest and a focal point in the street. The use of a living wall, however, would not overcome the issues of the bulk and location of the extension, which would infill the streetscape gap, erode the breathing space between the groups of terraces and would result in a rather cramped relationship with the building at 2 Claremont Road. Taken together, these factors would harm the streetscape and the character and appearance of the area.
10. The harm I have identified to the character and appearance of the area would run contrary to the aims of Policy D3 of the London Plan 2021, Policy CS15 of the Waltham Forest Local Plan – Core Strategy 2012, and Policy DM29 of the Waltham Forest Local Plan Development Management Policies 2013. Taken together, these policies seek to achieve well designed buildings which reinforce or enhance local character and distinctiveness, taking into account patterns of development and local context. I note the Council also refers to Policies D1 and D4 of the London Plan in their evidence, but I do not consider either determinative as they do not directly address the issues in dispute, relating primarily to capacity for growth, means of design scrutiny, analysis and maintaining design quality.

Living conditions

11. The building at 2 Claremont Road is divided into ground and first floor flats, each with windows to habitable rooms facing south towards the appeal site. The proposed extension would bring the bulk of the first floor significantly closer to these windows. Due to the proposed extension's bulk and proximity to the rear windows at ground and first floor of 2 Claremont Road, it would make the users of those rooms feel more shut in and cause a harmful loss of outlook to these windows. In addition, the proposed extension would create a very high wall enclosing the rear terrace at 2 Claremont Road which would lead to the users of the terrace feeling more shut in as a consequence, resulting in a loss of outlook to the terrace.

12. Whilst the living wall of the proposed extension would offer some visual interest, it is the bulk of the extension which would harm the outlook of the occupiers of No. 2 Claremont Road. As such, the appearance of the wall would not mitigate the consequences arising from the bulk of the proposed extension.
13. The harm I have identified to the living conditions of 2 Claremont Road would be contrary to Policy CS13 of the Waltham Forest Local Plan – Core Strategy 2012 and Policies DM4 and DM32 of the Waltham Forest Local Plan Development Management Policies 2013. Taken together, these policies require, amongst other things, that new development ensures that satisfactory amenity is provided for surrounding occupiers.

Other Matters

14. The Council have indicated that had the application been determined, it would not have been refused in respect of the standard and type of accommodation, effect upon daylight, sunlight and privacy to neighbouring residential windows or environmental matters. I do not have substantive evidence to contradict the conclusions of the Council in these matters. The absence of harm means these are neutral considerations in my determination of the appeal.

Planning Balance

15. I acknowledge that the appeal proposal would improve the living accommodation through providing an additional bedroom or home office and would be an efficient use of the land. Furthermore, the appeal proposal would provide improvements to biodiversity, renewable energy provision and climate change mitigation through the proposed living wall and photovoltaic panels.
16. The harm I have identified to the character and appearance of the area and to the living conditions of neighbouring properties outweighs the identified benefits. As such the proposal is contrary to the development plan read as a whole. The material considerations in this case do not indicate that the decision should be taken otherwise than in accordance with the development plan.

Conclusion

17. For the reasons set out above, the appeal is dismissed and planning permission refused.

L Francis

INSPECTOR