



Appeal Decision

Site visit made on 5 June 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/U5930/W/23/3331874

Thomas Lodge, 3 West Avenue, Walthamstow, Waltham Forest E17 9PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Eli Reich, Avon Group against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 230888.
 - The development proposed is prior approval for new roof with dormers and skylights to house 2 new 3-bedroom self-contained flats.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for new works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, subject to limitations and conditions.
3. Conditions A.2 (1) require the local planning authority to assess the prior approval application on various defined matters including (e) the external appearance of the building.
4. The Council determined that prior approval was refused on the grounds that the proposal would be contrary to A.2. (1) (e) as it would harm the appearance of the building and wider streetscene, and also that insufficient information had been provided with the application to confirm that there would be a floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area (GIA) of the proposed flats, therefore not achieving the nationally described space standard.
5. As part of their appeal submission, the appellant has provided clarifications including an updated third floor plan and section AA in response to the issue of floor to ceiling heights. The submission of the additional information has not changed the scheme that was considered by the Council and upon which they consulted neighbours at application stage. As such, I am satisfied that no party has been prejudiced by the submission of the two updated drawings.

Main Issues

6. The second reason for refusal on the Decision Notice covers two points, one being how the size and positioning of the proposed dormers would affect the internal living environment of the proposed flats. This is not within the scope of the defined matters to be assessed as part of a prior approval under Schedule 2, Part 20, Class A of the GPDO. However, the reason also refers to how the dormers affect the design of the development.
7. On this basis, the main issues are:
 - the effect of the proposal on the external appearance of the building; and,
 - whether the standard of accommodation proposed is in line with the nationally described space standards with regard to achieving an appropriate floor to ceiling height.

Reasons

External appearance

8. Thomas Lodge is a detached three storey block of flats dating from the late 1980s, topped by a shallow hipped roof. It is finished in red brick, with dark timber cladding at second floor. The design features a central pedestrian and vehicular entrance which provides access to the rear of the building and garages. The central stair core is a turret feature with a distinctive multifaceted roof.
9. The surrounding area is largely residential in character with the exception of a nursery school opposite the site and a church and attached pre-school on the corner of West Avenue and Orford Road. Whilst the age, style and detailed design of buildings varies along the street, building heights are a consistent two or three storeys, including houses and flatted developments. However, there is one backland development some way further to the north by the railway line, which stands at four storeys, and one other building that has a single side dormer in the roof.
10. The appeal proposal would replace the current hipped roof with a more steeply pitched crown roof to accommodate two three-bedroomed flats. Four dormer windows would be provided to the front and rear elevations, along with rooflights to the rear and side roof pitches. The existing stair core to the front would also be extended by a single storey. Additional cycle and refuse storage is also proposed.
11. In its current form Thomas Lodge sits comfortably within the street scene; its hipped roof being subservient and unassuming in close views of the building. Steeper roof pitches are commonplace in the locality, including at the church and pre-school, and the ridge height of the crown roof would be no higher than that of the existing hipped roof. Nevertheless, together with the extended stair core, the proposed roof would visually dominate and appear bulky and overbearing on the property. This would greatly increase its visual prominence to the detriment of its external appearance. While dormers are not commonplace in the vicinity, there are examples where they are aligned between the windows on lower floors, as they are in the proposal. I accept that this is a logical approach in terms of their layout, but the proposed dormers are

of a similar size to the windows beneath. They therefore add to the prominence and scale of the roof which would lead to the building being read as four storeys in height and appearing out of scale with the two storey buildings either side. This would therefore be a discordant addition to the townscape, including in longer views south towards the church.

12. I have been referred to examples to illustrate the varying heights and roof styles of buildings in the local area. Although there are some significantly taller buildings near Walthamstow Central station, these are some distance from the appeal site and do not inform the character and appearance of the immediate area. The examples of flat roofs brought to my attention include those of Horatio Lodge and the nursery opposite the appeal site. Both buildings are of a more functional style than the appeal property and the height of the flat roofs are comparable or lower than the ridge heights of adjacent buildings. As such, they are of limited relevance in comparisons with the appeal scheme.
13. My attention has been drawn to other examples of accommodation in roof spaces of nearby buildings, including where they have been converted and/or include crown roofs, but none are directly comparable with the appeal scheme. Moreover, I note the examples of crown roofs at 93 and 60-62 Orford Road do not contain dormers. The building at 101 Orford Road also has a different context to the appeal site in terms of its location and relationship with nearby buildings as the roof does not sit as high above the neighbouring dwelling as the appeal scheme would.
14. My attention has also been drawn to a series of appeal decisions¹, two specifically in relation to prior approval roof extensions allowed at appeal, where shallow roofs have been replaced by steeper pitches with dormers. Whilst I acknowledge there are numerous examples of this type of development, the circumstances and context of each site are different. I have no details before me of the exact context of each appeal scheme.
15. Similarly, the appeals referred to relating to dormers specifically in London are noted, along with the examples provided from across London where dormers do not align with the windows beneath, or are flat-roof dormers. Although I consider these examples to be of limited relevance to the appeal before me, given the individual context of each site, the existence of similar roof and dormer formations would not provide justification for a further development that I consider would be harmful to the external appearance of Thomas Lodge. I have considered this appeal proposal on its own merits and conclude that it would cause harm for the reasons set out above.
16. The appellant highlights the reduction in size of the proposed roof in comparison with two previously refused prior approval applications and a subsequently dismissed appeal². Whilst the current proposal is of a lesser bulk and height than the previous schemes referred to, I have necessarily assessed it on its own merits.
17. I therefore conclude that the proposal would harm the external appearance of the building, contrary to paragraphs 131, 135 and 139 of the National Planning Policy Framework. Amongst other things, these paragraphs seek to ensure

¹ References APP/G3110/W/21/3269650, APP/R0335/W/21/3280893, APP/N5090/W/17/3178328, APP/Q5300/A/11/2148111 and APP/R5510/W/17/3173139

² References 203511 and 212785 with appeal reference APP/U5930/W/22/3296977

developments add to the overall quality of the area and are sympathetic to local character, highlight the importance of good design as a key aspect of sustainable development and indicate that development that is not well designed should be refused.

Standard of accommodation

18. Article 3(9A) of the GPDO provides that Schedule 2 does not permit any new dwellinghouse where the gross internal floorspace is less than 37 sqm or the dwellinghouse does not comply with the nationally described space standard. The appeal submission indicates that the flats are of sufficient size to comply with the 95 sqm standard for a three-bedroom, six person flat. The standard also requires that a minimum floor to ceiling height of 2.3m must be achieved for at least 75% of the GIA.
19. Taking into account the updated section and third floor plan, along with clarification of the line from where the GIA was measured, I am satisfied that at least 75% of the top floor GIA would be of sufficient ceiling height to comply with the nationally described space standards.

Other Matters

20. The appeal site is within the zone of influence of the Epping Forest Special Area of Conservation. As I am dismissing the appeal, it is not necessary for me to consider further the requirements of Article 3(1) of the GPDO in respect of the regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017.

Conclusion

21. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR