



Appeal Decisions

Site visit made on 3 September 2024

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal A Ref: APP/U5930/W/24/3343808

331 Lea Bridge Road, Leyton, Waltham Forest E10 7LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Owais Khan against the decision of Waltham Forest London Borough Council.
 - The application Ref is 232368.
 - The development proposed is construction of ground and first floor extension to facilitate the increased floor area of existing flats.
-

Appeal B Ref: APP/U5930/W/23/3328721

Flat A-E, 331 Lea Bridge Road, Leyton, Waltham Forest E10 7LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Owais Khan against the decision of Waltham Forest London Borough Council.
 - The application Ref is 222393.
 - The development proposed is extension and internal alteration to Flat D, Flat E and Flat K.
-

Decision

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. Since the determination of the applications by the Council and prior to the submission of Appeal B, but not Appeal A, the Waltham Forest Local Plan Part 1, February 2024 (LP) was adopted. Consequently, the policies within the officer reports and decision notices no longer apply. The Council's statements list the new LP policies that have replaced them.
3. As set out above, there are two appeals on this site. Although both proposals are for five flats in the building, the extensions proposed to the rear 1st floor flat, and two ground floor flats differ. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Background and Main Issues

4. One of the reasons for refusal cited in the decision notice for Appeal B is that the plans are inaccurate. I can see that Drawing A01, proposed ground floor plan, and Drawing A02, proposed first floor plan, do not correspond with Drawing A04, proposed roof plan. As there may be further inaccuracies than

those I have seen, this is not an exhaustive list of discrepancies that may exist.

5. The Council sought amendments from the appellant to correct the plans. None were received and the appellant has not referred to this in their statements. Whilst I have not made this a main issue, the plans are considered below.
6. The main issues in respect of Appeal A and Appeal B are the effect of the proposal on:
 - the host building and the character and appearance of the area;
 - the living conditions of the occupiers of the flats with regards to the provision of internal space and natural light and outlook for Studio Flats D and E; and
 - the living conditions of the occupiers of No 329 Lea Bridge Road (No 329) with regards to outlook, daylight and sunlight.
7. An additional main issue in respect of Appeal B is:
 - the effect of the proposal on the occupiers of the flats with regard to privacy and the provision of private amenity space.

Reasons

Character and appearance

8. The appeal site is within a parade of shops, next to the A104. It is a three-storey, terraced building with a shop front on the ground floor operating as a beauty salon. Whilst the site is within a mixed-use area, to the rear and in surrounding streets is a dense network of terraced housing, laid out in a grid, separated by residential roads and with back-to-back gardens.
9. The building currently has five flats within the three floors, accessed by a front door located to the side of the shop. The building is constructed in brick and has a two-storey outrigger to the rear, with a single storey, flat roofed extension which infills the full width of the site. This extension is currently occupied by Studio Flat E, which is accessed from the building by a side passage, which was previously roofed over, and is adjacent to the boundary with No 333 Lea Bridge Road. The flat has French doors leading into a rear garden area which is heavily overgrown with vegetation.

Appeal A

10. One of the characteristics of the area is the two storey outriggers on the rear of this row of shops which provides a general uniformity of design. On the 1st floor, the proposal would extend the existing two storey outrigger by 3350mm to create a bedroom for Studio Flat A. Whilst this would continue the existing building form and roofscape, it would create an elongated development along the boundary with No 329. The extension would, therefore, be out of proportion with the main part of the building and appear overly dominant. Whilst the proposal would be within a row of commercial properties, some of which have been extended at 1st floor level, the form and size of the extension would disrupt the characteristics of the buildings in the area.

11. Combined with this, on the ground floor a flat roof extension would be constructed which would cover the rear of the property, apart from a 4.5m² rear garden for Studio Flat D adjacent to the boundary with No 329, and a 6.965m² at the rear of Studio Flat E. Therefore, apart from these very limited areas of outdoor space, the whole of the site would be infilled by development.
12. Despite being overgrown, the garden provides an open space at the rear of the site in an area from what I saw, was generally lacking in greenery. Moreover, despite being within a commercial row, the area is characterised by garden space to the rear of terraced housing. Therefore, removing the garden area would be unsympathetic to the character of the area.
13. Although I have not been provided with details of the history of extensions to the rear of commercial properties in this row, the evidence does suggest that many of them have some form of extension at the rear, including the properties either side. However, covering almost the whole of the site by a building, would be excessive and result in the overdevelopment of this tightly packed area. Furthermore, constructing such a large flat roof, would not integrate with the design of the original building or be subordinate to it. Consequently, the proposal would not respond to the local context and character of the area.
14. Therefore, I conclude that the proposal would harm the host building and the character and appearance of the area. It would conflict with LP Policy 53 which requires high quality design in new development.

Appeal B

15. The proposed plans show a 3-metre depth extension to the rear 1st floor outrigger, Flat K, and extensions on the ground floor to create Flat E. However, the plans, particularly regarding Flat E are inaccurate. Therefore, without clarity, I cannot be sure of how the proposal would look when completed. Consequently, I cannot assess the effect of the proposal on the character and appearance of the host building and the surrounding area with sufficient certainty. As such, I am unable to conclude that the proposal would not harm the character and appearance of the host building or the surrounding area.
16. It would therefore conflict with LP Policies 53 and 57 which together require high quality design that respects the amenity of the surrounding area. Furthermore, it would conflict with Policies D1 and D4 of the London Plan, 2021, that requires quality design as part of a design-led approach.

Internal space, light and outlook

Appeal A

17. The proposed development is intended to increase the floor area to provide further space for existing occupiers. On the ground floor, Studio Flat D, by occupying part of the existing Studio Flat E, would have a larger kitchen area and bedroom, as well as shower/WC. The new Studio Flat E would be built to the rear in the existing garden area. Studio Flat A on the 1st floor would be extended to create a bedroom. Whilst these enlargements would create more living space for the occupiers, it is acknowledged by both the main parties that the space provided would not meet the internal space requirements of the London Plan.

18. Studio Flat D would have a window in the kitchen area. This would overlook the narrow passageway leading to Studio flat E and the boundary wall and extension at No 333. Consequently, it would provide a very limited outlook and would have limited daylight. The bedroom in Studio Flat D, which would be an L-shaped room, would have no windows and a door to the small rear garden. The plans do not show whether the door would be glazed. However, even if this was the case, the rear garden is shown as being 4.5 metres² and so it would be boxed in by the rear walls of Studio Flat E, and the boundary of No 329. Therefore, it would have no outlook. The evidence does not include a daylight and sunlight study, however, the flat is likely to have negligible daylight, particularly in the winter when light levels would be reduced. This would create a very oppressive environment in which to live.
19. I therefore conclude that the proposed development would not provide adequate internal space for the occupiers, and that the occupiers of Studio Flats D and E would be harmed because of the lack of outlook and natural light. It would conflict with LP Policy 56 and London Plan Policy D6 which sets out residential space standards.

Appeal B

20. The proposed plans show that Flat D, Flat E and Flat K, would be extended, thereby increasing the floor area of these flats. The appellant has referred to the flats being in existence for at least ten years and that the proposal is for extensions, not a new building, with the Council applying new criteria for floor areas. Whilst it is acknowledged that the proposal is to upgrade the flats and improve the living conditions of the occupiers, the plans are inaccurate. Consequently, I have no certainty as to whether the proposal would meet the minimum space standards and provide adequate outlook and daylight.
21. Therefore, I am unable to conclude that the proposal would provide adequate space and the occupiers would not be harmed by a lack of outlook and natural light. It would conflict with LP Policy 56 and London Plan Policy D6 which sets out residential space standards.

Living conditions No 329 – Appeal A and Appeal B

22. The Council has stated that the 1st floor extension would potentially produce overshadowing and daylight/sunlight issues for No 329 Lea Bridge Road. Whilst I was unable to see the rear of No 329, the main parties refer to a blocked-up window, which the Council considers could be opened up without requiring planning permission. Whilst the Council has not demonstrated exactly how neighbouring properties would be affected, conversely the appellant has not provided any substantive evidence, such as a daylight and sunlight study, to show that constructing a 1st floor extension along the boundary would not harm the outlook and affect daylight and sunlight to the occupiers of No 329.
23. Therefore, I am unable to conclude that the proposal would not harm the occupiers of No 329 with regards to outlook and receiving adequate daylight and sunlight. It would conflict with LP Policy 57 which requires new development to respect the amenity of neighbours and the surrounding area. This includes avoiding harmful impacts from overlooking, enclosure and/or loss of privacy, outlook and daylight/sunlight.

Loss of privacy and amenity space - Appeal B

24. Policy D6 of the London Plan requires a minimum of 5 metre² of private outdoor space for each 1–2-person dwelling. Proposed Flat D would have a small open yard, located between it and Flat E. Proposed Flat E would have a L-shaped rear garden area. The three other flats would have no external amenity space. Additionally, Flat D would have only two windows, both obscurely glazed, one of which would be adjacent to the passageway leading to Flat E, and the other one in the small open yard between it and Flat E.
25. Notwithstanding this, based on the inaccuracies I have seen in the plans, I am unable to satisfactorily conclude on whether there would be a loss of privacy to the occupiers of the flats and whether or not appropriate amenity space would be provided.
26. Therefore, the proposal would conflict with LP Policy 57 which requires new development to respect the amenity of future occupiers, including avoiding harmful impacts from overlooking.

Other Matters

27. The appellant refers to the Council having consulted some eighty properties, with only one objection. Notwithstanding this, it does not affect the outcome of the appeal and the harms that I have identified.
28. A Fire Safety Strategy to provide compliance with London Plan Policy D12(A) was submitted with the application for Appeal A. This sets out actions to be taken to reduce and provide protection from the risk of fire as a result of the proposed development. However, as I am dismissing the appeal, there is no reason to explore this matter further.
29. There is no dispute between the main parties that the extension to the 1st floor flat would result in any overlooking. This is therefore a neutral matter.

Conclusion

30. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
31. For the reasons given above, I conclude that the appeals are dismissed.

M J Francis

INSPECTOR