

Appeal Decision

Site visit made on 13 August 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/U5930/W/24/3345166

499 Flat 1, Hale End Road, Waltham Forest, Chingford E4 9PT

- 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 Advance Build Ltd against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 240242.
 - The development proposed is described as "an additional dormer roof extension to existing first floor studio flat".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description of development is taken from the application form. However, the proposal would be more accurately described as "roof extension above two storey outrigger (of the existing first floor flat) and relocation of external staircase". The Council used this wording on its decision notice and that is the basis on which I shall determine the appeal.
3. The reasons for refusal do not explicitly refer to harm to the Non-Designated Heritage Asset (NDHA), however, reference is made to Policy 75 of the Waltham Forest Local Plan LP1 (2024) (LP) and therefore I have considered the effect of the proposal on the NDHA as a main issue.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the host property and the surrounding area, including the significance of the former Regal cinema, a NDHA.
 - The effect of the proposed development on the living conditions of occupiers at Flat 3, 499 and 501 Hale End Road in relation to daylight, sunlight and outlook and the occupiers of commercial premises of No 499 in relation to privacy.
 - Whether the proposal would provide acceptable living conditions for the future occupiers of Flat 1 in relation to internal living space.

Reasons

Character and Appearance and NDHA

5. The appeal site is a large building, located on the corner of Hale End Road and Beech Hall Road. The property comprises commercial use to the ground floor, with accommodation above divided in to three residential flats and has recently been extended through a rear dormer on the main part of the building. The proposal is for the extension of Flat 1, a studio flat, which is located on the first floor of the rear outrigger. Access to the flat is via an external staircase, which runs from the centre of the gable end at first floor level of the rear outrigger, down to the small, enclosed amenity space.
6. The appeal site is part of a wider terrace of properties with commercial uses on the ground floor and residential units above, fronting onto Hale End Road. To the rear of the properties adjacent to the railway line is a modern two-storey residential development.
7. The terrace has long, two-storey outriggers with pitched roofs and tall chimney stacks. Although there are a number of dormer extensions on the main part of the terrace, the rear outriggers retain their original form, which provides a consistent appearance to the roofscape to the rear of the terrace. Hale End Road is slightly curved and therefore the rear outriggers are stepped backwards from that of the appeal site and are a noticeable feature when viewed from Beech Hall Road.
8. The proposed extension would be constructed above the rear outrigger, substantially altering the profile of its roof. In addition, it would run along the majority of its length and width. Although the height of the proposal would broadly align with the eaves level of the main building it would not relate well to the scale of the rear outrigger and would have a top-heavy appearance. When viewed within the context of the existing dormer extension on the main building it would have a cluttered appearance harming the traditional form of the host building.
9. The massing of the proposal would be out of keeping with the simple, consistent roof pattern of the row of rear outriggers along the terrace. The prominence of the proposal would be further exacerbated by the use of zinc cladding, which is not typical of the immediate surrounding area. In addition, the re-location of the staircase to the side of the property would also detract from the simple appearance of the building, despite only the top part being visible from the street. The design and height of the proposed extension would break up the rhythmic appearance of this row of rear outriggers, thereby harming the character and appearance of the surrounding area.
10. The appellant has suggested alternative external finishes which could be agreed by condition. However, even though more appropriate materials could be agreed, this would not overcome my concerns regarding the proposal's scale and appearance.
11. The appellant has brought my attention to a similar proposal which was approved by the Council at 1a Forest Drive East. I note that this is some distance from the appeal site and from the information provided this property

does not have the same consistent roofscape pattern as the appeal site and therefore is not directly comparable.

12. On the opposite side of Beech Hall Road is the former Regal cinema building, which is a locally listed heritage asset. I note from the appellant's statement that planning permission has recently been approved for the redevelopment of the cinema. The submitted evidence indicates that the art deco frontage of the building is locally listed due to its heritage value, with the rear section of the building lacking any architectural merit. I do not consider that the proposal would cause harm to the significance of the NDHA given its separation by Beech Hall Road from the front of the cinema and thereby the proposal is not in conflict with Policy 75 of the LP.
13. In conclusion the proposal would harm the character and appearance of the host property and the surrounding area. It would therefore conflict with Policies 11 and 53 of the LP and Policy CDP2 of the Highams Park Area Neighbourhood Plan (2020). These policies seek amongst other things to ensure that new development is of high-quality design that contributes positively to the distinctiveness of local character and responds appropriately in terms of their context with regards to scale, height and massing.

Living conditions

Outlook, daylight and sunlight

14. The adjoining property at No 501 has as similar arrangement at the rear to the host property and has two windows on the back elevation of the main building at second-storey level. I do not have any information before me about the use of the rooms which these windows serve. However, the immediacy of the proposed extension to the neighbouring windows combined with its height and excessive depth would have an overwhelming presence when viewed from the internal living spaces served by these windows, resulting in a loss of outlook and an unacceptable sense of enclosure.
15. In addition, the proximity and scale of the proposal in relation to the second storey windows at No 501 would significantly reduce the extent of natural daylight and sunlight entering those rooms. This would have the effect of reducing the quality of internal living space within that flat to the detriment of that flat's occupiers. Although there is already a projecting extension of 2.1m, the proposal is much longer in terms of its projection and would lead to an unacceptable loss of outlook when compared to the existing situation.
16. The proposed extension would require the blocking-off of the rear window of Flat 3, No 499 and the installation of a new window on the rear elevation of the main part of the building, which would serve the internal stairway. The proposed changes would mean that Flat 3 would essentially be single aspect. I note that the rooms to the rear of Flat 3 are a bathroom and a hallway area so are not habitable rooms, nevertheless the kitchen area would lie in the middle of the flat. The absence of windows serving the flat at the rear, significantly reduces the extent of natural daylight and sunlight entering the unit, particularly to the kitchen area. However, given the kitchen's distance from those windows and the configuration of the kitchen and the adjacent circulation space, those areas would likely be considerably less exposed to daylight and sunlight, particularly given the flat's south facing aspect at the

rear. These effects would result in an unsatisfactory internal living environment for the flat's occupiers. The proposal would therefore harm the living conditions of the occupiers of No 501, Flat 3 and No 499 in relation to loss of outlook, daylight and sunlight. The proposal thereby conflicts with Policy 57 of the LP and Policy D6 of the London Plan which seeks amongst other things to ensure that new development respects the amenity of existing and future occupiers and neighbours by avoiding harmful impacts from loss of daylight and outlook.

Privacy

17. The proposal would involve the relocation of the staircase to the side of the building, which would partially run in front of the window of the commercial property at the ground floor level of No 499. The submitted plans show that these windows serve the dry cleaners, however I do not have the specific details of how this space is utilised. Nevertheless, given that the existing access to Flat 1 runs past these windows, the relocation of the staircase is not likely to cause any greater harm to the amenity of neighbours in relation to privacy.
18. I thereby conclude that the proposal would not harm the occupiers of the commercial premises at No 499 in relation to privacy. The proposal is therefore not in conflict with Policy 57 of the LP which seeks amongst other things to ensure that new development respects the amenity of neighbours by avoiding harmful impacts in relation to privacy.

Internal living space

19. Policy D6 of the London Plan (2021) (LDNP) sets out minimum space standards which all self-contained dwellings are required to meet. For a one bedroom, 2 person, two-storey dwelling the minimum gross internal floor areas should be 58sqm as these standards take into account extra circulation space for stairs. These standards are also set out in Policy 56 of the LP.
20. The proposed development is for a one-bedroom flat which would provide a total internal floorspace of 51sqm, which falls below the required standard for this type of dwelling. As a consequence of the reduced space, future occupiers would be exposed to a poor-quality internal living environment that would impact negatively on their living conditions.
21. I note that the existing floorspace of the studio flat falls below the standard for a 1 person flat and the appellant therefore considers that the proposal would improve the living standards of future occupiers. Nevertheless, the poor space standards of the existing accommodation do not justify further development which does not meet current space standards.
22. Consequently, the proposal would not provide satisfactory living conditions for Flat 1 in relation to internal space. The proposal thereby conflicts with Policy 57 of the LP, Policy D6 of the LDNP and the Technical Housing Standards - Nationally Described Space Standards (2015) which seek amongst other things to ensure new homes meet required internal space standards.
23. I note that the proposal would create additional living accommodation and would create a more usable external space for the occupiers of Flat 1 to enjoy, however this does not outweigh the significant harm identified above.

Conclusion

24. The development would not harm the NDHA, however it would harm the character and appearance of the host property and surrounding area and would harm the living conditions of existing neighbouring occupiers and would not provide satisfactory living conditions. These harms are not outweighed by the benefits I have identified and are sufficient to justify dismissing the appeal.
25. The proposed development would conflict with the development plan. There are no material considerations, including the Framework, that indicate that the decision should be made other than in accordance with the development plan. Accordingly, for the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR