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# Appeal Decision

Site visit made on 7 May 2013

**by Christopher Bowden MA (Oxon)**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 May 2013**

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**Appeal Ref: APP/U5930/A/13/2191130**

**Land adjacent to 7 Dawlish Road, London E10 6QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr B Bhakar (Dev Management Limited) against the decision of the Council of the London Borough of Waltham Forest.
  - The application Ref. 2012/0914, dated 11 June 2012, was refused by notice dated 6 August 2012.
  - The development proposed is: *Demolition of existing building and construction of three-storey building with four self-contained flats (two x two-bed, two x one-bed) and two parking spaces.*
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. The site address shown above reflects agreement between the Council and the appellant that it should be used in preference to the one given in the application form (13 Dawlish Road) in the interests of consistency with Council records.
3. The decision notice cites Policies CS2 , CS7, CS12, CS13 and CS15 of the Waltham Forest Local Plan Core Strategy, adopted in 2012 (CS). These appear broadly consistent with the thrust of the National Planning Policy Framework, published in 2012, and I give them weight accordingly.<sup>1</sup>
4. Reference is made in submitted documents (but not the decision notice) to the Council's emerging Development Management Policies.<sup>2</sup> Given the stage in the process reached, I have given these only limited weight.

## Main issues

5. These are the effect of the proposed development on:
  - the character and appearance of the area;
  - the living conditions of its future occupiers, with particular reference to outlook, daylight, and amenity space; and
  - parking in Dawlish Road, with particular reference to highway and pedestrian safety and residential amenity.

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<sup>1</sup> As advised by paragraph 215 of the Framework

<sup>2</sup> Waltham Forest Local Plan Development Management Policies Proposed Submission July 2012

## Reasons

6. The site comprises a disused electricity sub-station some two and a half storeys high with open land to the rear, currently overgrown. The surrounding area is predominantly residential, but there a telephone exchange behind the site and a primary school to one side, beyond a strip of public land and a footpath known as Swan Path. Dwellings in the area are mostly two-storey terrace houses; the site itself is at one end of a short run of three-storey properties, including a modern block of flats at No 7 next door.
7. The proposal entails demolishing the sub-station. This building is not listed, statutorily or locally, and does not lie in a conservation area. However, both English Heritage (EH) and the Council's conservation officer have identified it as being of local heritage interest, with some historical, architectural and archaeological significance and with the potential for local listing at least. I therefore consider the building to be a non-designated heritage asset and that this is consistent with the definition of *Heritage asset* in the Framework.<sup>3</sup>
8. The heritage interest of the sub-station was identified relatively late in the process and no assessment of its significance<sup>4</sup> was submitted with the application. Nevertheless, on the information before me, it is apparent that the building, as a surviving example of a former Borough of Leyton sub-station, has historical significance as a tangible reminder of Leyton's history of municipal electricity generation and distribution. EH considers the site, which may include plant and fixtures associated with its historic use, to be of archaeological significance too. Architecturally, the building is especially notable for its classical stone façade and detailing; indeed, the conservation officer describes the design as a "temple to electricity". The front elevation in particular makes a positive and distinctive contribution to the street scene, despite signs of neglect and the hoardings currently in place..
9. The demolition of the building would result in the loss of its significance. I appreciate that a condition could require suitable prior recording of the asset. However, the Framework makes clear<sup>5</sup> that the ability to record evidence of the past should not be a factor in deciding whether such loss should be permitted. The Framework also indicates<sup>6</sup> that, in applications affecting non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.
10. In this case, the appellant says that the building is in poor condition and that it is not readily suitable for conversion to residential or other uses. However, while evidently redundant, I have seen no assessment of its condition (eg by way of a structural survey). Planning permissions have been given in the past for conversion of the sub-station to residential use. It is not evident that they remained unimplemented because the schemes approved were not "viable and realistic."
11. The proposed replacement building would be of contemporary design, set back from the building line at ground-floor level to provide space for parking. The height and width of the building would relate satisfactorily to the adjacent block of flats, as would its design and materials. The treatment of the corner (with a projecting second-floor "box" in contrasting materials) would provide a feature

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<sup>3</sup> Annex 2: Glossary

<sup>4</sup> Paragraph 128 of the Framework

<sup>5</sup> Paragraph 141

<sup>6</sup> Paragraph 135

of interest in this end-of-terrace position. However, the building would have a substantial wing extending the full depth of the site at three-storey level along the boundary facing Swan Path and abutting the telephone exchange building to the rear. This would damage significantly the current openness of the rear of the site that is clearly visible from the public domain as part of a run of space behind properties on this side of Dawlish Road. Depth of development of the height proposed would be oppressive in this setting, compounded by the relationship of the flank wall with the telephone exchange building. It would thus not represent a positive response to local character or context. The effect would not be mitigated sufficiently by the setback from Swan Path, trees on the strip of public land or the windows proposed along the side elevation.

12. The proposal includes two parking spaces at the front of the development. While recognising that one space would serve the accessible unit on the ground floor, I share concern that front parking would be out of keeping in a street characterised by frontages with gardens or open areas behind low walls. The provision of landscaping would not overcome this.
13. In conclusion on this issue. On the information before me, I have found the existing building to be a non-designated heritage asset of historical, architectural and archaeological significance. It contributes positively to the street scene, despite its current state. Its loss would be harmful and this would not be outweighed by the qualities of the proposed replacement, which I have also found harmful for the reasons given above.
14. I therefore conclude that the proposed development would have a materially harmful effect on the character and appearance of the area. As such, it would conflict with the objectives of CS Policies CS2, CS12, CS13, and CS15 and of the Council's Supplementary Planning Document *Urban Design*, adopted in 2010 (SPD).

#### *Living conditions*

15. The living/dining area of the ground-floor flat would have a large window facing Dawlish Road. It would, however, be set back both behind the front building line of the three-storey block of flats (with its adjacent flank wall) and the overhang of the upper storeys of the proposed building itself and would be close to vehicles parked in the two spaces at the front of the development. Taken together, these factors would be likely to limit significantly the amount of daylight reaching the room. This would not be served by other windows, even if the flat itself were double-aspect. The proximity of parked cars would also result in a poor outlook. The fact that one of the spaces would serve the ground-floor flat does not alter this. However, the daylight reaching the flat's rear windows would appear to be adequate, taking account of their position and relationship with their surroundings, and they would not be harmfully enclosed, despite the height of the rear boundary wall, for example. Similarly, while the flat's rear amenity space would abut both that wall and the walls of the proposed building, its size and the scope for landscaping (including retained trees) would ensure that it was an acceptable outside space for future occupiers.
16. The other three flats in the building would not have any amenity space. This includes the two-bedroom, four-person flat on the first floor described as a family unit in the Design and Access Statement. There does not appear to be suitable public open space within reasonable walking distance for young

children.<sup>7</sup> I therefore consider the amenity space provision in the development inadequate, notwithstanding the constraints of the site. The size of the flats internally would not compensate for lack of external amenity space. I note that the Council considers there is scope for amenity space on the building's flat roof (and has suggested a condition to secure "a communal amenity balcony area"). This would, however, represent a material change to the appeal scheme (which provides no access to the roof in any event other than through a "roof light/access hatch"). I also note that the appellant considers roof-top amenity space out of keeping with neighbouring properties.

17. I therefore conclude, on the basis discussed above, that the proposed development would have a materially harmful effect on the living conditions of its future occupiers, with particular reference to outlook, daylight, and amenity space. As such, it would conflict with the objectives of CS Policies CS2, CS13, and CS15 and of the SPD mentioned previously.

### *Parking*

18. The scheme would provide two parking spaces on-site. Given that two of the flats are one-bedroom and that cycle storage would be provided in the development, and bearing in mind the proximity of public transport, I consider that the level of parking provision proposed would be adequate. I appreciate that the nearby primary school would be likely to contribute to parking pressures in the road at certain times but I also note the results of the appellant's parking survey that suggest that existing levels of parking stress in the area are acceptable. On the above basis, I am not persuaded that the proposal would be unduly harmful to off-street parking provision or the amenity of existing residents in this respect, recognising that the spaces proposed would reduce the availability of on-street parking space outside the site.
19. There would be no room for vehicles to turn on site so they would have to enter or leave in reverse gear. This would necessarily entail reversing from or into the road over the pavement. However, as the spaces would only be for two vehicles, I do not consider that their location would be likely to be detrimental to highway and pedestrian safety, again acknowledging the presence of the adjacent school.
20. For the reasons given above, therefore, I conclude, that the proposed development would not have a materially harmful effect on parking in Dawlish Road, with particular reference to highway and pedestrian safety and residential amenity. As such, I find no conflict in these respects with the objectives of CS Policies CS2, CS7, CS13 or CS15 or of the SPD mentioned before. This is distinct from the effect of the proposed parking spaces in streetscape terms, considered in the context of character and appearance.

### **Other matters**

21. The proposal would make more efficient use of an urban brownfield site by providing a mix of residential accommodation in a relatively sustainable location that would contribute to housing provision in the Borough. However, I do not consider that these benefits would outweigh the harmful effects of the scheme discussed above.

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<sup>7</sup> Leyton Cricket Ground is fairly close to the site but the planning officer's report says that "it is largely given over to formal sports pitches unsuitable for young children"

**Conclusion**

22. Although I have found no material harm in relation to parking (from the perspective of safety and residential amenity), I consider that this is outweighed by the harm to character and appearance and living conditions. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Christopher Bowden*

INSPECTOR

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