
Appeal Decision

Site visit made on 1 September 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/U5930/D/20/3253211
300 Old Church Road, London E4 8BN

- 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 Ms Jacqueline Smith against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 200077, dated 24 January 2020, was refused by notice dated 18 March 2020.
 - The development proposed is described as "*dropped kerb application and all associated works at 300 Old Church Road*".
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Decision

1. The appeal is allowed and planning permission is granted for development described as a dropped kerb and all associated works at 300 Old Church Road, London E4 8BN, in accordance with the terms of the application Ref 200077, dated 24 January 2020, subject to the following conditions: -
 - a) The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision.
 - b) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: 26377 – 102 – B, 26377 – 103 – B, 26377 – 202 – A, 26377 – 401 – A and 26377 – 402 – A.
 - c) The materials to be used within the external surfaces of the development hereby permitted shall match those used in the existing development and/or public highway.

Preliminary Matter

2. I have taken the description of proposed development from the planning application form although I note that it is expressed differently on other documents.

Main Issues

3. The main issues raised in respect of this appeal are the effect of the proposed development on the character and appearance of the Old Church Road streetscape and local biodiversity.

Reasons

4. The proposal would create a vehicular crossover that would remove a section of vegetated verge between the public footpath and the vehicular highway. Many of the properties along this stretch of Old Church Road benefit from parking within their front garden areas and verge crossovers are common-place. The crossovers have broken the continuity of the vegetated verges along this side of Old Church Road and this has resulted in a diminution of the visual contribution the vegetated verges make to the character and appearance of this streetscape. As such, this has reduced the importance of the verges as a distinctive characteristic feature of the area. Consequently, the creation of one further crossover that would remove only a small section of part of one of the remaining verges would not appreciably alter the appearance of the streetscape.
5. The proposal would affect a small section of existing vegetated verge. Whilst I accept that the verge's vegetation could host biodiversity, I have not been directed to any particular ecology that would be impacted or harmed as a result of the proposed development. Given the limited area of vegetated verge in question and on the available evidence, I have no substantive information before me that would lead me to conclude that significant harm would occur to biodiversity if the development were to take place.
6. For these reasons, I conclude that the proposed development would not be substantially harmful to the character and appearance of the Old Church Road streetscape or to local biodiversity. As such, the proposal would not materially conflict with Policies CS4, CS5, CS7 and CS15 of the Waltham Forest Local Plan – Core Strategy 2012 and Policies DM16, DM29 and DM35 of the Waltham Forest Local Plan – Development Management Policies 2013. These policies seek, amongst other matters, development to create positive and inclusive environments (buildings and spaces) of high quality that contribute to the distinctiveness of Waltham Forest's neighbourhoods and to protect and enhance green infrastructure and biodiversity across the Borough.

Conditions

7. I have considered the conditions suggested by the Council in light of paragraph 55 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring the development be carried out in accordance with the approved plans. In the interests of the appearance of the area the external materials to be used in the construction of the development and crossover should match those of existing materials.

Conclusion

8. Having regard to the above the appeal should be allowed.

Nicola Davies

INSPECTOR