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## 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: 11 September 2020**

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**Appeal Ref: APP/U5930/W/20/3247135**

**3 Hatch Lane, Chingford E4 6LP**

- 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 Kenneth Wright against the decision of the Council of the London Borough of Waltham Forest.
  - The application Ref 192724, dated 15 August 2019, was refused by notice dated 19 November 2019.
  - The development proposed is change of use from retail shop to residential 2 bedroom (3P) Flat at ground floor level.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the site address and description of proposed development from the planning application form although I note that these are expressed differently on other documents.
3. The applicant has put forward additional plans, drawing numbers 643/3 and 643/4. The additional information illustrates streetscape elevations as existing and as proposed relating to both the front and rear elevations. This additional information does not materially alter the proposal. In accepting these drawings, I do not consider the interests of parties who might wish to comment would be prejudiced. For this reason, I have had regard to these drawings.

### Main Issues

4. The main issues raised by this appeal are the effect of the proposed development upon the functioning and character of the Neighbourhood Centre commercial parade and the living conditions of the future occupiers.

### Reasons

#### *Functioning and character of the commercial parade*

5. Neighbourhood centres represent local activity hubs for retail and other town centre activities for which Policy CS14 of the Waltham Forest Local Plan Core Strategy (the Core Strategy) 2012 supports the role that they play. The loss of a commercial unit would undermine the retail functioning of this local neighbourhood centre and could compromise the viability and vitality of its commercial activity.

6. It is contended that the site is in a poor trading location and there is a decline in demand for retail units. However, I saw at my visit that apart from the appeal premises, all but one commercial unit within this parade was open and trading. I note that the railway level crossing was removed in 1971 and an underpass provides access to the nearby Chingford Hatch outlets. Albeit, from the available information and what I observed at my visit I have no substantive evidence before me that would lead me to say that poor trading is a significant issue relating to this commercial parade or that the premises would not be a desirable commercial premises. Whilst the premises is currently vacant, I have not been directed to any attempts to market the premises that might lead me to come to a different view on this matter.
7. Further to the above, the premises within this parade host shop frontages and display windows. Whilst the proposal would retain a frontage somewhat akin to a commercial premises, it would not entertain the attributes of a window display and/or signage typical of a commercial premises. As such, the proposed frontage would not integrate with the parade's commercial character. Consequently, changing the use of the premises to residential would undermine the existing retail character of this parade.
8. For the above reasons, I conclude that the proposed development would be harmful to the functioning and character of the Neighbourhood Centre commercial parade. The proposal would, therefore, conflict with Policy CS14 of the Core Strategy and Policy DM25 (C) and (H) of the Waltham Forest Local Plan Development Management Policies (Development Management Policies) 2013. These policies seek, amongst other matters, to safeguard and strengthen the functions of Neighbourhood Centres ensuring they continue to develop as vibrant, attractive, distinctive, safe and welcoming places and that resist the loss of retail uses to ensure local residents would have a reasonable range and choice of essential shops within the parade. With regard to character, these policies also indicate acceptable uses to be those that create activity and interest along a shopping or commercial street and that would integrate well in design terms.

#### *Living conditions*

9. The living/dining room of the proposed residential unit would be immediately adjacent to the footpath that serves this parade of commercial units. The front elevation of this residential unit would incorporate large windows. The commercial units either side of the unit, as well as those other units within the parade, would create footfall along the pavement and within extremely close proximity to the windows that would serve the main habitable living space within the proposed residential unit.
10. Passers-by would be readily able to gain views into the habitable living space of the property. This would not provide occupiers with the level of privacy that they should reasonably expected to enjoy within their home. Furthermore, people continually passing-by the windows of the primary habitable living environment would not provide a high quality outlook for the occupiers. Consequently, the scheme would provide a substandard living environment for its future occupiers.
11. For the above reasons, I conclude that the proposed development would be harmful to the living conditions of the future occupiers. The proposal would, therefore, conflict with Policy CS2 of the Core Strategy, Policy DM7 of

Development Management Policies and the Supplementary Planning Document 'Urban Design' 2010. These policies seek, amongst other matters, new residential development, including conversions and changes of use, to be of the highest quality both internally and externally.

*Other Matters*

12. I acknowledge that the conversion of the ground floor shop into a one bedroom self-contained flat (under planning ref 2005/1718) was allowed on appeal and a renewal of that planning permission was subsequently granted (planning ref 2009/0965). I recognise that the circumstances of that proposal appear to be similar in many respects to those in this appeal. Nonetheless, that planning permission does not set a binding precedent for another similar application to be accepted noting that those decisions were made some time ago and pre-date both the National Planning Policy Framework and the current development plan that is in place. Those permissions do not indicate that permission should be automatically granted in this instance. The proposal, therefore, can and should be considered against the current policy context that is in place.
13. I acknowledge that the proposed development would satisfy the required floor and habitable room size standards and the removal of the garage structure would improve outlook from the bedrooms. Access to a private rear garden and wheelie bin refuse would be provided. Whilst these are attributes of the scheme taken on their own merit, they do not overcome my above concerns in respect of the main issues or justify the proposed development.

**Conclusion**

14. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR