



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: 14 September 2020

Appeal Ref: APP/U5930/D/20/3253783

38 Ropers Avenue, Chingford E4 9EQ

- 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 Jack Champion against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 200373, dated 4 February 2020, was refused by notice dated 14 May 2020.
 - The development proposed is described as "*install dropped kerb to the front of our property to allow parking on our driveway*".
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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.

Main Issue

3. The main issue is whether the proposed dropped kerb would preserve or enhance the character or appearance of Ropers Field Conservation Area (the CA).

Reasons

4. The privet hedges that run along the front boundaries of the residential properties are an original feature of this street and are a characteristic of the CA that make an attractive contribution to the street scene. Notwithstanding this, I acknowledge that many of the frontages along Ropers Avenue have been replaced by walls and fences and that driveways with dropped kerbs have been created.
5. The proposal would be of similar form to that of other dropped kerbs in the area. Nonetheless, at this part of Ropers Avenue five or so properties retain their original hedged frontages and, for most, their metal pathway gates. I saw at my visit that this is the best preserved row of original frontages within Ropers Avenue. The appeal property is centrally located within this group. Its hedge and gate are good examples of the original frontages that characterised this streetscape and, as such, the hedge and gate are of special interest. The

frontage, therefore, has heritage significance, both individually and cumulatively in combination with this existing row of original frontages.

6. The removal of a section of the hedge and the pathway gate would have a negative visual impact upon the frontage of the appeal property, as well as the row of original hedged frontages. Replacing the front garden with paving and utilising the space within the property frontage for vehicle parking would be a further visual diminution of the character and appearance of the frontage of this property. Taken collectively, the proposal would erode the special interest of this CA and would, therefore, be harmful to its significance.
7. The Supplementary Planning Document (SPD) 'Residential Extensions and Alterations' 2010 supports maintaining a strong uniformity and character where a number of properties in the street have similar frontages. It also indicates that removal of traditional front boundary treatments, such as, gardens, walls, fences and hedges can significantly weaken the residential streetscape. I consider this would be the case here. Whilst other front boundaries along Ropers Avenue have been altered or replaced, this does not justify the proposed development which would be harmful to features that are of special interest within this CA.
8. It has been said that a significant number of planning applications have been granted recently, as well as in the past, for the same or similar development within the CA and street albeit I have only been directed to one specific example at 30 Ropers Road. It is advised that that proposal involved the complete removal of a hedge followed by the erection of a wall and electric gate that formed part of a dropped kerb access. Notwithstanding this, that planning permission does not set a binding precedent for other similar developments to take place. From what I observed I do not consider the frontage at No 30 to be particularly sympathetic to the character or appearance of this CA, therefore, it should not necessarily be replicated elsewhere along Ropers Road. I, therefore, do not consider that development offers support for the proposal before me.
9. The proposal would also involve the removal of a small section of existing grass verge, as well as the hedge. I accept these features could host biodiversity, although I have not been directed to any specific ecology that might be impacted or harmed. On the available evidence and given the limited amount of vegetation that would be removed, I have no substantive information before me that would lead me to conclude that significant harm would take place to biodiversity.
10. For those reasons given above, I conclude that the dropped kerb would neither preserve or enhance the CA. Given the size and scale of the proposal within the CA as a whole, I consider there would be less than substantial harm to the significance of the designated Ropers Field CA. In accordance with paragraph 196 of the National Planning Policy Framework, I must weigh the harm against the public benefit of the proposal. Although the dropped kerb may facilitate access for parking within the front garden of the appellant's property, this is a personal benefit and the benefit to the public, in my view, would be minimal, and insufficient to outweigh the harm identified. I conclude therefore that the dropped kerb would fail to accord with national policy.

11. For the above reasons, I conclude that the proposed dropped kerb would not preserve or enhance the character or appearance of Ropers Field CA. The proposal would, therefore, conflict with Policy CS15 of the Waltham Forest Local Plan Core Strategy (the Core Strategy) 2012, Policies DM4, DM28, DM29 and DM35 of the Waltham Forest Local Plan Development Management Policies (DMP) 2013 and SPD 'Residential Extensions and Alterations'. These policies and SPD seek, amongst other matters, new development to respond positively to the local context and character; where appropriate, alterations are to retain and restore existing 'tradition' features and materials; and development will only be permitted in CAs that preserve or enhance the character or appearance of the area.
12. I consider the aforementioned policies to be the most relevant in this case as Policy CS13 of the Core Strategy relates to the promotion of health and well-being and Policy DM32 of the DMP to neighbouring occupiers living conditions. In this case I have found no substantive conflict with Policy DM35 of the DMP that relates to biodiversity.

Conclusion

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

Nicola Davies
INSPECTOR