



Appeal Decision

Site visit made on 8 December 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 21 December 2021

Appeal Ref: APP/U5930/D/21/3284976

171 Wadham Road, Walthamstow, London E17 4HU

- 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 Sean Furlong against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 211407, dated 8 May 2021, was refused by notice dated 16 September 2021.
 - The given description of the development proposed is to convert an existing front garden into a hardstanding car parking area. Remove front garden wall. Hardstanding to be paved with permeable block units. Employ Local Authority to create dropped kerb and crossover.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the streetscene and surrounding area and (b) the risk of flooding.

Reasons

Character and Appearance

3. The proposed development includes the erection of a crossover to provide access to the appeal property's front garden which would be used for the parking of vehicles. A number of other dwellings along the road already possess crossovers serving parking spaces within their front gardens and, as such, what is proposed would reflect these existing arrangements.
4. Street trees make a positive contribution to the character and appearance of the streetscene along the road. Adjacent to the siting of the proposed crossover is a London plane tree and during the site visit it was observed that the surface of the footway where the proposed crossover would be sited was undulating because of the tree's roots.
5. Policy CS5 of the Waltham Forest Local Plan Core Strategy (CS) seeks to protect healthy trees. The site visit did not indicate that the London plane tree adjacent to the appeal property was in an unhealthy condition. As identified by the Council, the construction of the proposed crossover would have the potential to damage the tree's roots which may threaten the well-being of the

tree and its ongoing positive contribution to the character and appearance of the streetscene.

6. No arboricultural survey or similar, of the type sought by Policy DM35 of the Waltham Forest Local Plan Development Management Policies (DMP), has been provided to demonstrate that the appeal scheme would not cause damage to, or the loss of, the tree. This is not a matter which could be left to a condition.
7. Although the claim by the appellant about the robustness of the London plane tree has been noted, no specific evidence that the proposed development could be constructed without harming this particular tree has been provided. Further, no details about the planning circumstances of the other crossovers and their impact on nearby trees have been provided. For these reasons only limited weight is given to these tree related matters in the determination of this appeal.
8. There would be a loss of soft landscaping within the front garden of the property associated with the appeal scheme. However, the front garden does not make a significant contribution to the streetscene which includes a mix of front gardens with parking and soft landscaping. From what was observed, the type and extent of planting within the front garden does not represent a significant biodiversity asset and its loss to create a parking area would not be materially detrimental to the biodiversity of the surrounding area. There would not be a conflict with the general biodiversity and design requirements of CS Policy CS4, DMP Policy DM35 and Policy G6 of the London Plan (LP) and the design requirements of LP Policy D4.
9. Although the effect of constructing of the proposed parking area within the property's front garden on the character and appearance of the streetscene and biodiversity would not be reasons for this appeal to fail, in the absence of specific evidence to the contrary these matters are outweighed by the unacceptable harm which would be caused to the London plane tree by the construction of the crossover.
10. Accordingly, on this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with CS Policy CS5 and DMP Policy DM35. The other policies referred to by the Council in the reasons for refusal, including those concerning extensions to dwellings, climate change, sustainable drainage, water supply, health and wellbeing, are not of direct relevance to this main issue.

Risk of Flooding

11. The Council claims that the proposed loss of the partially soft landscaped front garden would increase the risk of flooding. However, no positive draining of the surface water from the existing garden was noted during the site visit and the appellant proposes to construct the parking area in porous surfacing.
12. On this issue, it is concluded that the proposed development would not increase the risk of flooding elsewhere and, as such, it would not conflict with CS Policy CS4 and LP Policies GG6, SI 13 and SI 12 which, amongst other matters, concern resilience to climate change, sustainable drainage and flood risk management. DMP Policy DM4 is not considered to be of direct relevance to flood risk. Further, limited weight is given to the emerging Waltham Forest

Local Plan policies which, it is understood, have yet to be subject of independent examination.

Conclusion

13. Although there would be no unacceptable increase in the risk of flooding this matter is significantly and demonstrably outweighed by the unacceptable harm caused to the character and appearance of the streetscene and, as such, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR