



Appeal Decision

Site visit made on 13 September 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 25th November 2022

Appeal Ref: APP/U5930/W/22/3297937

69 Overton Road, Leyton E10 7PS

- 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 Ledi Barlika against the decision of Waltham Forest London Borough Council.
 - The application Ref 213779, dated 30 November 2021, was refused by notice dated 4 February 2022.
 - The development proposed is the construction of a new two-storey two-bedroom dwelling in the rear garden, adjacent and accessed from Staffa Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Natural England issued an Interim Advice Letter on 6 March 2019 in respect of the Epping Forest Special Area of Conservation (SAC) which is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Waltham Forest shares a boundary with the SAC and has been found to be within a wider Zone of Influence (ZOI) based on the distance the majority of visitors will travel to the SAC. As such the whole of the London Borough of Waltham Forest falls within the ZOI for recreational pressure. Natural England has been consulted and is content that interim measures are in place until the full mitigation strategy can be agreed and adopted, including costed Strategic Access Management Measures (SAMM). Natural England is aware, and it has been agreed that the SAMM levy is not being sought for schemes of less than 10 units. Natural England has commented that the proposal would avoid and mitigate impacts to the European sites as part of the overall Waltham Forest strategy. Whilst the appeal process would result in a net increase of one dwelling, as I am dismissing the appeal, I do not need to consider this matter further as it could not lead me to a different conclusion.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the property and the area.

Reasons

4. Number 69 Overton Road is an end terraced house, with a two-storey extension to the side. To the rear it has a single storey, flat roofed extension across the full width of the plot. Behind this is a long garden with the ground

- level lower at the end of the garden where there is a metal double gate which creates access to Staffa Road which runs parallel to the site.
5. The proposal would be constructed at the end of the garden, across the width of the plot. The rear of the building would back onto the entrance to the Cromwell Industrial estate, one of a number of industrial parks in close proximity to the site.
 6. The proposal, with its rectangular forms, single and two storey, and flat roofs, the use of buff coloured brick, black aluminium windows and steel cladding would take design cues from both 'Pexor House', a former office building, now used for residential purposes to the rear, and other industrial buildings in the area. It would, however, result in the introduction of a building in a location at odds with the general character of the area. Overton Road is characterised by long linear gardens, where the only outbuildings appear to be sheds and garden structures. Both the subdivision of the garden with a wall, plus the construction of a new, part two storey, dwelling at the end, would result in a development that would be incompatible with the residential characteristics of the area. Although the site is on the boundary between residential and industrial uses, the existing property at no 69, with its garden walls, and a variety of trees growing within the garden, retains a clear distinction between the suburban rows of housing with that of the industrial units beyond. The introduction of a part two storey building which does not follow the design cues of the terraced housing and subdivides the plot, blurs those characteristics in a way which would harm the character and appearance of the area.
 7. The site is an end terrace adjacent to a road with regular traffic passing to the industrial units and residential flats to the rear. It is a prominent site and a new, part two storey, dwelling and the removal of two trees, in an area where trees and greenery is limited, would diminish the existing garden area and result in an incongruous addition to the site.
 8. The appellant suggests that permitted development rights could result in built form at the bottom of the garden similar to other outbuildings in the area. This has not been promoted as a full fallback position and could not be used to provide for a new residential unit. Moreover, any building that could be constructed would only be single storey and would not be similar in scale and effect to the proposal before me.
 9. For these reasons the proposal would harm the character and appearance of the property and the area. It would not accord with Policies CS13, CS15 and CS16 of the Waltham Forest Local Plan Core Strategy, 2012, and Policies DM4 and DM29 of the London Borough of Waltham Forest Local Plan Development Management Policies, 2013, as well as the 'Urban Design', Supplementary Planning Document, adopted February 2010. These policies combined seek to ensure the creation of a satisfactory environment and well-designed places.

Planning balance

10. Both parties have highlighted that relevant development plan policies support the provision of housing within the borough to contribute to increasing the housing supply in London. Whilst paragraph 69 of the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, the provision of one additional unit would not make a substantial difference. Although the proposal would be in an urban

area where there would be access to facilities, creating well-designed buildings that are appropriate to the character of an area is an important aspect of sustainable development. The provision of one house would provide some economic benefits but the overall harm to the character and appearance of the area that has been identified would not achieve the environmental objectives required to achieve a sustainable form of development. The conflict identified with the development plan is therefore not outweighed by other considerations including the contribution of this small site to meeting the boroughs housing requirement.

Other Matters

11. The proposal seeks to make effective and efficient use of land, provides satisfactory living conditions, respects the privacy and amenities of neighbouring properties, as well as providing appropriate external and internal space standards and high energy performance. These are normal requirements that would be expected of any acceptable development and are neutral factors, and they would not overcome the harm that I have identified.
12. The appellant has referred to a two-bedroom, single storey house that has been constructed on Staffa Road within an existing plot. However, the exact circumstances of that case are not before me and so I have determined this case on its own merits.
13. Notwithstanding that a Fire Safety Strategy, Construction Management Plan and Drainage Statement have been provided, as I am dismissing the appeal, these have not been considered further. They are matters that would normally be required and are neutral factors in any balance.

Conclusion

14. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
15. For the reasons given above, I conclude the appeal is dismissed.

M J Francis

INSPECTOR