



---

# Appeal Decision

Site visit made on 30 November 2022

**by Ryan Cowley MPlan (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 December 2022**

---

**Appeal Ref: APP/U5930/W/22/3296463**

**248 Chingford Mount Road, Chingford E4 8JL**

- 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 Shah, on behalf of Hasnam Investments Ltd, against the decision of Waltham Forest London Borough Council.
  - The application Ref 213900, dated 6 December 2021, was refused by notice dated 24 February 2022.
  - The development proposed is described in the application form as alterations and extensions to existing retail unit and first floor flat to form regenerated retail unit, 2 x 1 bedroom (2P) flats and 1 x 2 bedroom (4P) flat.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The entirety of the London Borough of Waltham Forest, and thus the appeal site, is within the Zone of Influence for Epping Forest Special Area of Conservation (SAC) in which proposals including a net gain in residential development have the potential to give rise to significant effects (either alone, or in combination with other proposals). As the appeal is to be dismissed for other reasons, it is not necessary in this instance for me to undertake an appropriate assessment to consider the effect on the SAC.

## Main Issues

3. The main issues are:
  - Whether the proposed flats would provide satisfactory living conditions for future occupiers, with particular regard to outlook, daylight, noise and disturbance, fumes and internal space provision; and
  - The effect of the proposed refuse arrangements on the character and appearance of the area.

## Reasons

### *Living Conditions*

4. The appeal property is an existing two storey mid-terrace building on Chingford Mount Road, comprising a ground floor retail unit and 2-bedroom flat above. The proposal includes alterations and a rear extension at first floor to provide 2 1-bedroom flats (Flat 1 and Flat 2), and a second-floor upwards extension to provide a 2-bedroom flat above (Flat 3).

5. The appeal site is somewhat long and narrow. It is flanked along its full length to the north by another two-storey flat roof building and to the south by a 2 and 3 storey flat roof building. Immediately beyond the rear boundary of the site is the flat roof of the adjacent unit, on top of which is a considerable amount of ventilation / extraction equipment (plant).
6. Flat 1 would feature two windows facing Chingford Mount Road, serving the living / dining area and bedroom, and a rear kitchen door with access along a narrow pathway to the rear roof terrace. Outlook to the rear would be reduced overall compared to the current arrangement due to the narrowness of the space to the rear. However, a glazed rear door would maintain a dual aspect outlook, with associated light and ventilation benefits, and could be secured by a planning condition. The level of outlook would be commensurate with the modest size of Flat 1 and the consolidation of the kitchen / living space with a new outlook to the front would be better than that provided by the existing flat.
7. Flat 2 would feature rear facing patio doors serving the living / dining area and bedroom, overlooking their associated roof terraces. The living / dining space would be served by a secondary kitchen window. While this would facilitate natural ventilation, it would look immediately onto the pathway belonging to the adjacent flat and the tall blank gable elevation of the adjacent building, providing no meaningful outlook. In terms of outlook, Flat 2 would therefore have similar characteristics to a single aspect dwelling.
8. In order to secure a mutually acceptable level of privacy for future occupiers of Flats 1 and 2, the terrace serving the living / dining area of Flat 2 would need to be substantially enclosed by privacy screens. The terrace serving the bedroom of Flat 2 would also require a substantial side privacy screen. While the rear boundary of the bedroom terrace could be unenclosed, the outlook across this would be dominated by the adjacent plant. Alternatively, it would be obscured by any acoustic barrier that may be necessary. This arrangement would provide Flat 2 with a very poor outlook overall. Combined with the elongated nature of the rooms and proximity of adjacent buildings, particularly the larger building to the south, Flat 2 would have restricted access to daylight.
9. The appellant highlights the impact recent development adjoining the site to the south has had on the existing flat. I recognise that this neighbouring building has an impact on the outlook and light to the existing flat, and the outlook and light to Flat 2 would be similarly curtailed by it. However, Flat 2 would have no west facing outlook, unlike the existing flat. Its external amenity space would also be more enclosed than that of the existing flat due to privacy and / or acoustic screens. The existing conditions therefore do not justify the limited outlook and daylight that would be provided to Flat 2.
10. While the size of the roof terraces serving Flat 1 and Flat 2 would be compliant with relevant local space standards, these would sit immediately adjacent to the plant at the rear. These terraces would be the sole private external amenity space serving these flats. The main living spaces of Flat 2, and in particular the bedroom of that unit, would also be located close to the plant. At the time of my site visit, there was continuous noise being emitted from this equipment, of a level that would be harmful to the peaceful enjoyment of this outside space. I did not experience any fumes being emitted at the time of my site visit.
11. The appeal is not supported by a noise impact assessment or any other compelling evidence to demonstrate noise or fumes from the adjacent plant

would not be harmful to the living conditions of future occupiers. The appellant states that an acoustic barrier could be used to mitigate any potential undue noise. Even if this would provide sufficient mitigation, it would result in further harm to the outlook from the first-floor rear terraces and rear facing rooms.

12. I acknowledge there is no evidence of concerns from existing residents. However, the appeal proposal would feature openings to main living areas and external spaces closer to the plant than neighbouring properties. This does not lead me to conclude that the proposal would offer satisfactory living conditions for future occupiers.
13. In addition to the above, Policy D6 of The Spatial Development Strategy for Greater London adopted March 2021 (the London Plan) requires that a dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. It also requires that a one bedspace single bedroom must be at least 2.15m wide.
14. While overall the proposed bedrooms would meet minimum floor space requirements, the Council indicate in their officer report that bedroom 2 to Flat 3 would only be 2.1m wide and the double bedroom serving Flat 2 would only be 2.45m wide. The appellant has advised that they have checked the width of bedroom 2 of Flat 3 on the original drawing and that this complies with the minimum width requirement. However, no further evidence to confirm this has been provided and this is not evident from the plans before me. There is also no evidence that the bedroom serving Flat 2 meets the minimum width requirement for a dwelling with two bedspaces. I also note that no built-in storage space would be provided as required by London Plan Policy D6.
15. I therefore conclude that the proposal would fail to provide satisfactory living conditions for future occupiers, with particular regard to outlook, daylight, noise and disturbance, fumes and internal space provision. It is therefore contrary to Policy D6 of the London Plan, Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy adopted March 2012 (the Core Strategy) and Policies DM24 and DM32 of the Development Management Policies Local Plan adopted October 2013 (the DMP). These policies, amongst other things, require high quality design from all new housing development and seek to create an attractive, safe, healthy and sustainable environment, protect residential uses from noise pollution and vibration, and ensure daylight, outlook and privacy is maintained for intended occupants of new habitable rooms.
16. The proposal would also be contrary to the Mayor of London Housing Supplementary Planning Guidance March 2016, which advises good single aspect homes are possible where the frontage is generous, the plan is shallow, and the orientation and outlook is favourable. It also seeks to avoid single aspect dwellings that are exposed to undue noise. Furthermore, the proposal would conflict with guidance in the Waltham Forest Urban Design Supplementary Planning Document Adopted February 2010, which seeks to encourage building layouts that maximise daylight and places emphasis on the quality and useability of amenity spaces.

#### *Refuse and Recycling Arrangements*

17. The proposal does not include any formal refuse storage facilities. The appellant has indicated that refuse can be stored internally by occupants, for example in vented cupboards or vented internal storage. It would then

subsequently be presented in bags on the street on collection days. The Council has confirmed that there is an on-street collection service.

18. Even if adequate refuse storage were to be provided internally, the provision of 2 additional flats would considerably increase the amount of waste bags left in the street on collection days. This would have a harmful effect on the character and appearance of the area at these times.
19. The appellant has indicated the proposed refuse arrangements would be akin to those of a recently expired approval for one additional flat at second floor, albeit with the addition of one extra person. The full details of the previous approval are not before me. Notwithstanding this, this permission has now expired and so is not a reasonable fallback position, nor does it lead me to conclude that the proposed refuse arrangements before me would not harm the character and appearance of the area.
20. I therefore conclude that the proposed refuse arrangements would result in harm to the character and appearance of the area. This would be contrary to policies CS6, CS13 and CS15 of the Core Strategy and Policy DM32 of the DMP. These policies, amongst other things, aim to create healthy and sustainable places and seek to ensure that new development provides well designed storage facilities for residual waste and recycling, with regard to the impact on visual amenity, and improves the way places function.
21. Policy DM24 of the DMP seeks to control development on contaminated land, development involving hazardous products or processes and air, noise, light and water pollution and vibration associated with new development. Policy DM23 of the DMP concerns major applications and the requirement for Health Impact Assessments, the promotion of everyday exercise through modes of transport involving physical activity and hot food takeaways. I therefore do not find any direct conflict with either policy in respect of this main issue.

### **Other Matters**

22. The Council has commented that the proposed second floor rear terrace would result in a loss of privacy for the occupiers of a neighbouring flat at 244-246 Chingford Mount Road. This did not however form part of the reason for refusal set out in the Council's decision notice. As the appeal is to be dismissed for other reasons, I have not given any further consideration to this matter.
23. The appellant advises that the Council recently approved a similar development nearby with single aspect flats, lack of amenity space and no outlook to some bedrooms. The full details of this other planning permission are not before me, and so I cannot draw any comparison to the appeal proposal. In any event, each proposal should be considered on its individual merits, and this does not provide sufficient justification to outweigh the identified harm and development plan conflict.
24. While the Council may not have visited the appeal site as part of their consideration of the planning application, they indicate that they visited the site recently as part of their consideration of a previous planning application. In any event, this does not lead me to a different conclusion on the main issues.

## **Conclusion**

25. The scheme would result in the delivery of two additional housing units, which would positively contribute to the local housing supply. It would also increase the sales area of the existing shop, with associated economic benefits. I also recognise the site is located within an existing urban area with good access to local services and transport and therefore, in principle, is a suitable location for residential development. Some economic and social benefits would therefore occur through construction and occupation. However, this contribution is modest given the scale and context of the development.
26. While the proposal may comply with other parts of the development plan or national policy, the absence of development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.
27. I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan, taken as a whole. Consequently, I conclude that the appeal should be dismissed.

*Ryan Cowley*

INSPECTOR