



Appeal Decision

Site visit made on 7 March 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/U5930/W/22/3309881

589A High Road, Leytonstone, London E11 4PB

- 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 J Khan against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 221862, dated 23 June 2022, was refused by notice dated 16 September 2022.
 - The development proposed is described as a “roof mansard extension and conversion of existing residential accommodation into 2 flats”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - whether the proposal would make appropriate provision to effectively manage parking stress and encourage car-free development.

Reasons

Character and Appearance

3. The appeal site relates to a three storey, end terrace property, constructed of London brick with a tiled, hipped roof. It is currently a Hot Food Takeaway at ground floor level, with a four-bedroom flat above, spread across the first and second floors.
4. The site is situated on Leytonstone High Road, at the junction with Southwell Grove Road. The surrounding area is of mixed character, with predominantly commercial uses on the ground floor and ancillary uses or residential accommodation above.
5. The proposed development comprises the construction of a mansard roof extension, conversion of the existing first and second floor residential unit to provide two residential units, a 3-bedroom flat and a 1-bedroom flat. The mansard roof extension would replace the existing shallow hipped roof and a prominent, original chimney stack would also be demolished.
6. The introduction of a mansard roof would be a harmful addition to a prominently sited end-of-terrace property. Due to its size and bulk, the

alteration would not be subservient to the host building and would be out of keeping with the wider terrace. By raising the height of the parapet, this would further erode the architectural rhythm of the terrace to the detriment of the character and appearance of the area. The loss of the original hipped roof and chimney stack would be harmful to the appearance of the host building and would fail to achieve a high-quality design approach that reflects local character.

7. The Council's Residential Extensions and Alterations Supplementary Planning Document (2010) (SPD) states that mansard roofs are not a typical characteristic roof profile of the borough and unlikely to be appropriate. Whilst I observed some variety to roof design within the local area, including some examples of mansard roof extensions, I did not observe any similar forms of development to that which is proposed.
8. My attention has been drawn to 573, 575 and 577 High Road, which have been extended by way of a mansard roof alteration; however, these properties are located in the middle of a terrace, where such alterations are set back and visually less prominent. My attention has also been drawn to 200 High Road, which is some distance from the appeal site and also relates to a mid-terrace property. By contrast, the introduction of a mansard roof alteration to the appeal site, which is a prominent, end-of-terrace building would be highly conspicuous.
9. Accordingly, I conclude that the proposed mansard extension would cause harm to the character and appearance of the area. This would be contrary to Policy CS15 of the Waltham Forest Local Plan - Core Strategy (CS) and DM4 and DM29 Waltham Forest Local Plan - Development Management Policies (DMP) which, amongst other things, seek to ensure a high standard of urban and architectural design for all new development, that should enhance local character and respond to local context in terms of scale, height and massing. The proposal would also be contrary to Paragraph 130 of the National Planning Policy Framework (the Framework) which requires development to be visually attractive and add to the overall quality of the area.

Car Free Housing

10. The site has a PTAL rating of 5, which is classified as 'very good' on a scale of 1 to 6, where 6 represents a high level of accessibility and 1 a low level of accessibility. It is also located on a busy road and within a Controlled Parking Zone (CPZ). The scheme proposes no vehicle parking; however, cycle parking would be provided to the rear of the site.
11. Policy DM16 of the DMP encourages car free development in locations that are highly accessible to public transport and services, to avoid over provision of parking, and promote sustainable means of transport.
12. The proposal would generate an additional 1-bedroom dwelling, retaining a 3-bedroom dwelling. I have had regard to the appellants argument that the development may not appeal to car owners by virtue of its size, location, and proximity to public transport services. My attention has also been drawn to the availability of parking within the local area.
13. I observed on my site visit that there were moderate levels of on-street parking in the surrounding area. However, it would be reasonable to assume

that there would be higher levels of on-street parking at evenings and weekends when more residents will be in their homes. That additional parking stress may lead to inappropriate parking such that it affects road safety.

14. Consequently, the development proposed would cause harm to highway safety. This would conflict with the objectives of the Framework, particularly Paragraph 111, which indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
15. In order to ensure that the development would not lead to unacceptable harm to highway safety by virtue of increased pressure for on-street parking, and to reflect the policy aspiration to promote sustainable means of transport, a mechanism is needed to restrict future residents from applying for a parking permit. In such instances, a signed legal agreement would be necessary to ensure that the proposal would be car free and would meet the tests for planning obligations contained in Paragraph 57 of the Framework.
16. Accordingly, I conclude that in the absence of a signed legal agreement, the proposal would not meet the requirements for car free development. The proposal therefore conflicts with Policy DM16 of the DMP which seeks to manage parking requirements and promote car free housing and sustainable travel.

Other Matters

17. I have had regard to Policy CS2 of the CS, in so far that the scheme would result in the retention of a family-sized unit of accommodation and provide one additional housing unit, which would contribute to the local housing supply. The development would utilise an existing small site, increasing density and making an efficient use of land. Furthermore, it 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. However, this contribution is modest given the scale and context of the development.
18. It has also been agreed by both parties that the proposal would provide adequate internal living accommodation and provision of refuse, recycling, and cycle storage. Whilst I see no reason to disagree, these factors are of a neutral benefit and therefore do not alter my findings.
19. The Council indicates that the site is within 6.2km of the Epping Forest Special Area of Conservation (SAC). The SAC is protected under the Conservation of Habitats and Species Regulations 2017. The Council has advised that, prior to any permission being granted, a financial contribution would be required to mitigate the effects of the proposed residential development on the SAC.
20. Had I concluded that the development would be acceptable in terms of the main issues, it would have been necessary to investigate the effect of the proposal on the integrity of the SAC as part of Habitats Regulation Assessment and Appropriate Assessment. Although I acknowledge the appellant's willingness to make a contribution towards mitigation, given the harm identified above and that I am dismissing the appeal for other reasons, I have not considered this matter further.

Conclusion

21. For the reasons set out above, having considered all the policies drawn to my attention, the conflict with Policy CS15 of the CS, Policies DM4, DM16 and DM29 of the DMP leads me to conclude that there is conflict with the development plan taken as a whole. There are no material considerations which would outweigh that conflict. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR