



Appeal Decision

Site visit made on 12 September 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2023

Appeal Ref: APP/U5930/W/23/3318633

67 Poppleton Road, Leytonstone E11 1LP

- 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 Noel Charles against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 221168, dated 20 April 2022, was refused by notice dated 15 November 2022.
- The development proposed is described on the application form as 'proposed extension to existing basement flat, floor plan redesign and all associated works.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Waltham Forest Draft Local Plan Part One (Submission Draft April 2021) is emerging and is currently being examined. Therefore, it is not adopted and I am not aware of the extent of any unresolved objections. Having regard to the advice in paragraph 48 of the National Planning Policy Framework, I have given limited weight to the policies in the emerging plan.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the host property and the surrounding area; the effect on nearby trees; and the effect of the construction of the proposal on the public highway and the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. The appeal relates to 67 Poppleton Road, a substantial end terraced property which occupies a prominent location on the corner of Poppleton Road and Preston Road. The property has been subdivided and the appeal proposal is concerned with the basement level of the building which is used as a self-contained flat. It is an attractive building featuring bay windows and decorative door and window surrounds. The building includes a large two storey rear outrigger. The property is set back from the road behind a low wall and an area of hardstanding which continues around to the side and rear of the building.
5. The area surrounding the site is residential in character and comprises mainly two storey terraced and semi-detached properties. They are set back from the road with small gardens behind low walls or fences, or driveways which are open to the road. The front elevations of the properties have a uniform

character due in part to their consistent building lines and architectural detailing, including two storey bay windows and recessed entrance doors. Consequently, the area has a harmonious character and appearance.

6. The proposal would extend the basement flat beyond the footprint of the existing building to the front and side boundaries of the site. The development would include flat roof skylights to the site frontage. The skylights would be disproportionately large areas of glazing within the front garden and would be clearly visible from both Poppleton Road and Preston Road. Such features are not characteristic of property frontages on Poppleton Road and would disrupt the rhythm of the street scene. The excavation of part of the yard area to the side to form lightwells and a new stairwell would be less visible from the street due to the height of the side wall. However, the cumulative effect of the proposed works would add to a sense of over-development of the property and be detrimental to its traditional appearance.
7. Consequently, the external works associated with the proposal would appear at odds with the character of the host property and those surrounding it, which are generally uncluttered and free of development to their frontages. Whilst the proposal would improve the quality of accommodation within the basement flat and provide a secondary means of access, these are private benefits which do not outweigh the harm I have identified.
8. For the above reasons I conclude that the proposed development would be unacceptably harmful to the character and appearance of the host property and the surrounding area. It would be contrary to Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) (CS), Policies DM4 and DM29 of the Development Management Policies Local Plan (2013) (DMP), and the Council's 'Residential Extensions and Alterations' Supplementary Planning Document (2010). Amongst other things, these policies and guidance seek to ensure that development achieves a high standard of design which responds positively to local context and character. CS Policy CS13 and DMP Policy DM23 are referred to in the Council's reason for refusal, but they relate to promoting health and well-being and are not relevant to this main issue.

Trees

9. There is a street tree situated within the pavement on Poppleton Road which is within very close proximity of the frontage of the appeal site and its branches extend towards the property. Although the tree is not the subject of a tree preservation order, it is a prominent and established feature of the street scene. In combination with other street trees along the road, it provides verdant surroundings which contributes positively to the character of the area. It is therefore worthy of a degree of protection in my view.
10. Due to the size of this tree, it is likely to have an extensive root system which is already compromised by its proximity to the existing properties on Poppleton Road and the extent of hardstanding surrounding it. Given that the proposed excavation to create the extended basement would encroach further towards this tree, damage to the tree roots cannot be ruled out. However, there are no details before me of the root protection area of the tree and an arboricultural impact assessment has not been submitted.
11. There is no supporting evidence before me confirming that an appropriate design could be achieved without unacceptable adverse effects arising to the

tree. No precise details of measures to protect the tree during the construction phase have been provided. Any harm to the health of the tree could lead to its deterioration or eventual loss, with resulting adverse impacts to the character and appearance of the area, and potentially to biodiversity.

12. Given this lack of certainty and the importance of these matters to the longevity of the tree, this would not be a matter appropriately dealt with by condition. Consequently, there is insufficient information before me to enable an understanding of the effects of the development on the long-term health of the nearby tree. The proposal would therefore be contrary to CS Policies CS5 and CS15 and DMP Policies DM29 and DM35, which seek, amongst other things, to protect existing trees and biodiversity.

Construction phase of the development

13. The construction phase of the development could cause a degree of disruption to the local highway and nearby residents. Given the scale of the development proposed any such disruption to the local highways and residents would likely take place for a relatively short duration.
14. An outline construction logistics plan has not been submitted with the appeal. However, there is no substantive evidence before me which demonstrates that there are any particular site constraints or conditions on the local highway network which would make the construction phase of the development significantly complex. On the basis of the evidence before me, the management of the construction phase of the development, including matters relating to working hours and practices, storage of plant and materials, traffic management, and measures to prevent deposition of mud on the highway, could have been adequately dealt with by a planning condition had I been minded to allow the appeal.
15. For these reasons I conclude that, subject to an appropriate condition, the construction phase of the development would not adversely affect the public highway, including the free flow of traffic, or the living conditions of nearby occupiers with particular regard to disruption. There would be no conflict with CS Policies CS7 and CS13 and DMP Policies DM14, DM15, DM24 and DM32. Amongst other things, these policies require development to be safe, minimise their transport related impacts and ensure that satisfactory amenity is provided for surrounding occupiers.

Conclusion

16. I conclude that the construction of the proposal would not adversely affect the public highway or the living conditions of neighbouring occupiers. However, I have also found that the development would have a harmful effect on the character and appearance of the host dwelling and the surrounding area, and that there is insufficient information to enable an understanding of the effects of the development on the health of the nearby tree. Consequently, the proposal would conflict with the development plan as a whole and there are no material considerations that indicate the decision should be made other than in accordance with this. For these reasons the appeal is dismissed.

M Ollerenshaw

INSPECTOR