



Appeal Decision

Site visit made on 28 February 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2024

Appeal Ref: APP/U5930/W/23/3325002

69 Westward Road, Chingford, Waltham Forest E4 8LZ

- 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 Miss Remi Connolly-Taylor against the decision of the London Borough of Waltham Forest.
 - The application Ref 223527, dated 15 December 2022, was refused by notice dated 10 March 2023.
 - The development proposed is subdivision of the site and construction of single storey building to provide a self-contained dwelling house (1-bedroom) with associated landscaping, refuse/recycle and bicycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the purposes of this appeal, I have used the description of development used by the Council on the decision notice, as this describes the proposal more accurately than the appellant's description used within the planning application form.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views from the main parties in this instance.
4. Since the planning application was determined the Waltham Forest Local Plan: Part 1 (2024) (WLP1) has been adopted. This supersedes the Waltham Forest Local Plan - Development Management Policies (2013) and the Waltham Forest Core Strategy (2012). Both main parties have had the opportunity to comment on this and I have considered the appeal on this basis.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is located adjacent to Ashley Road and to the rear of 69 Westward Road, which is a two storey terraced property. The surrounding streets are characterised by two storey houses set back from the road

generally with long rectangular gardens to the rear. Whilst houses fronting the streets are laid out in a fairly dense form, the generous depth of rear gardens provide a green buffer between the residential development creating a spacious suburban character and appearance.

7. I understand that the appeal site has not formed part of 69 Westward Road's garden since March 2020. However, at present the appeal site is open and free from development and, despite the subdivision with a fence, this contributes to the character of the area in the same way as the gardens at neighbouring properties do.
8. The site benefits from planning permission (Council Ref: 210321) for the subdivision of the site and construction of a single-storey building to provide 1 studio dwelling house with associated landscaping, refuse/recycle and bicycle storage. Consequently, both parties agree that residential development to the rear of the appeal site is acceptable in principle. However, the appeal proposal before me would have a significantly larger footprint than that approved by the previous planning permission.
9. As a result of the boundary wall which would be constructed on Ashley Road, the proposed dwelling is unlikely to be prominent in public views from nearby vantage points. However, given the built up nature of the area, it would be visible from a large number of properties on both Westward Road and Ashley Road.
10. Notwithstanding that there is an extant permission for a smaller building, the introduction of a dwelling, with a footprint of this size, and built close to the site's boundaries, would erode the verdant and open nature of the appeal site. Although single storey in height, the proposal's footprint would be significantly larger than the footprints of houses on Westward Road, which would create an unusual feature given the prevailing urban form. The additional built form within the appeal site would also highlight that the proposed dwelling and 69 Westward Road would have noticeably and uncharacteristically smaller gardens than neighbouring properties.
11. I note the single storey split-level design which would be set down into the land and the landscaping which have been proposed to minimise the dwelling's visual impact. A reasonable proportion of the site would also remain free from built form. However, for the reasons set out above, the building would have a harmful impact on the open and spacious character of rear gardens within the area and would amount to a form of overdevelopment which would be read as a cramped, incongruous feature. Therefore, whilst Policy 19 of the WLP1 supports infilling and intensification of residential land, the proposal cannot reasonably be described as making good use of the site.
12. I have had regard to the other rear outbuildings within the gardens of properties on Westward Road. However, the footprint of the proposal would be significantly larger than the footprints of existing outbuildings at neighbouring sites.
13. My attention has been drawn to examples of residential developments within the local area which are located to the rear of residential properties. I have not been provided with further details related to the planning permissions for these developments, for instance, whether they replaced existing built form. Regardless, the dwellings located on Ashley Road appear to have large, long

gardens in keeping with the character of the area. In the case of the large outbuildings located on May Road, I am unclear whether these were constructed under permitted development rights. Whilst there may be examples of buildings and dwellings constructed to the rear of houses within other nearby streets, for the reasons outlined above, the proposal's form of development would appear awkward and uncharacteristic to the area. In any event, each case must be considered on its own merits, circumstances and situation.

14. For the reasons outlined above, I conclude that the proposal would have a harmful impact on the character and appearance of the area. Accordingly, I find conflict with Policy 53 of the WLP1 and 'Urban Design' Supplementary Planning Document (2010). Taken together, these seek developments which reinforce and enhance local character and distinctiveness, taking into account existing patterns of development and urban form and grain.
15. The Council also alleges conflict with Policies 48 and 58 of the WLP1 with regards to this matter. However, my attention has not been drawn to any words in these policies that are relevant to this issue. The policies have therefore not been determinative in my decision.

Other Matters

Epping Forest Special Area of Conservation (SAC)

16. The London Borough of Waltham Forest shares a boundary with the SAC which is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). It is also within a wider Zone of Influence (ZOI) based on the distance the majority of visitors will travel to visit the SAC. As such the whole of the Borough of Waltham Forest falls within the ZOI for recreational pressure. All new residential development within the ZOI constitutes a Likely Significant Effect (LSE) on the sensitive interest features of the SAC through increased recreational pressure, whether when considered alone or in combination. Sufficient mitigation measures are required to be in place to ensure that there would not be a harmful impact on the SAC as a result of the LSE.
17. As such, schemes of one or more residential units are subject to Strategic Access Management Measures (SAMM) which has been prepared by the City of London Conservators of Epping Forest (CLC). This is an approach that has been agreed with Natural England as long as a contribution is provided to support the delivery of the SAMM in the SAC.
18. The appellant has provided a unilateral undertaking which includes obligations which would secure financial contributions for the SAMM. These are intended to mitigate the effect on the SAC. Had I found the proposal to be otherwise acceptable, the Regulations impose a duty to consider within the framework of an Appropriate Assessment whether it would have a significant effect on the conservation objectives of the SAC either alone, or in combination with other plans and projects. However, given the harm that I have identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further as it would not alter my findings on the main issue.

Other issues

19. The Framework seeks to significantly boost housing supply and indicates the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land. The proposal would contribute to local housing supply by providing an additional residential unit and would represent a more efficient use of the appeal site. It would provide a dwelling in an existing residential area close to a range of shops, services and transport. It would create temporary employment opportunities during construction and there would be associated spending in the local area on subsequent occupation of the dwelling. These matters weigh in favour of the proposal.
20. The proposal would provide safe access from the street, appropriate landscaping and a reasonably sized external amenity area for future occupiers. However, the development plan is explicit that development will only be permitted if it responds positively to the character of the area. I have found that this would not be the case.
21. The appellant has identified development plan policies and Framework paragraphs relating to matters including making the best use of land, which it is contended that the proposed development would accord with. I have also found no harm in relation to matters such as the living conditions of existing and future residents. However, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.

Planning Balance and Conclusion

22. The policies in the Framework seek to deliver a sufficient supply of homes. As a small site the appeal proposal could be developed out quickly. Support for such sites, particularly windfall sites is provided by paragraph 70 of the Framework. I give these factors significant weight.
23. However, the Framework also sets out in paragraph 131, that the creation of high quality and beautiful places is fundamental to what the planning process should achieve. The failure of the proposals to represent a high quality form of development carries substantial negative weight. Although there is considerable support for new windfall housing in this location the benefits in terms of the overall position in the Borough would be limited. Indeed, this is a case where the importance of good design trumps the provision of an extra windfall unit.
24. Therefore, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
25. The proposal would conflict with the development plan as a whole. There are no other material considerations, including the Framework, that would indicate that the proposal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

B Pattison

INSPECTOR