



Appeal Decision

Site visit made on 11 June 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/U5930/W/23/3329974

224 Sinclair Road, Chingford E4 8PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Jin Hua Huang against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 211147.
 - The development proposed is the demolition of existing dwelling house and construction of 3 storey building to provide 5 residential units (1 x 1-bedroom, 3 x 2-bedroom and 1 x 3-bedroom flats) with associated soft and hard landscaping, car parking space, bicycle, refuse and recycle storage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In February 2024 the Council adopted the Waltham Forest Local Plan Part 1, Shaping the Borough 2020-2035 (the LP1). This supersedes the policies of the Core Strategy and the Development Management Policies Document as relied upon by the Council in its decision notice. Within the appeal timetable the Council submitted a statement of case which clarified its position and it provided the policies of the LP1 that are relevant to this appeal.
3. The appellant had an opportunity to comment on the Council's statement and provide their views on the relevance of the new policies however they did not submit a response. Nonetheless, my consideration of this appeal must be on the basis of the development plan which is in force at the time of my decision and I am satisfied that no party has been prejudiced by me doing so.
4. The description of development above is taken from the planning application and appeal forms however this is no longer reflective of the development proposed due to various amendments to the scheme during the planning application stage. My consideration of this appeal is based on the most recent set of plans which were submitted with the application. I shall return to this matter below. Despite the request by the appellant, it is not for me to consider earlier schemes.

Main Issues

5. The main issues are 1) the effect of the proposal on the character and appearance of the area, 2) whether the proposal would deliver an appropriate mix of housing, 3) whether the proposal would provide satisfactory living

conditions for future occupiers, and 4) the effect of the proposal on parking and highway conditions.

Reasons

Character and appearance

6. The appeal site includes a detached dormer bungalow. The immediate street scene does not have a strong character. Regardless, the site is located in a predominantly residential area where properties tend to be bungalow styles or two storey dwellinghouses with typical domestic features.
7. The proposed building would have a total of three floors, would fill much of the width of its plot and would have a large footprint. Materials would include yellow stock brick, white render and grey cladding.
8. Together, these factors would result in a large, bulky and prominent building which would be an unattractive and dominant addition to the street scene. It's incongruous form and appearance would fail to relate well to or complement the surrounding built form. The recessed top floor does not reduce the significant bulk of the building but rather it would contribute significantly to the overall dominant massing of the proposal.
9. I note the examples of three and four storey blocks of flats on Sinclair Road. Regardless, these are only two examples of larger developments along a very long highway consisting of predominantly modest and traditional domestic properties. As such, they do not justify the appeal proposal.
10. Accordingly, the proposed development would harm the character and appearance of the area and thus it would conflict with policies D1 and D4 of The London Plan: The Spatial Development Strategy for Greater London (March 2021) (the London Plan) and policies 5 and 53 of the LP1. Together they aim for developments of a good design which reinforces and/or enhances local character.

Housing mix

11. Despite the description of development in the banner heading above it is clear from the plans on which the Council made its decision and on which I have determined this appeal against that the proposed development would provide a total of 5 market tenure apartments arranged as one 1 bedroom unit and four 2 bedroom units.
12. Policies 12 and 15 of the LP1 seek to ensure that a variety of housing types and tenures are provided across the borough to address different housing needs, with an expectation that a percentage of 3 plus bedroom units would be provided. Given the arrangement of units noted above, the proposal would not ensure a selection of housing types as encouraged by the LP1.
13. The appellant has suggested that a 3 bedroom unit at the appeal site, as previously proposed, would fail to provide satisfactory living conditions for future occupiers. I have not however been provided with convincing or substantive evidence that an appropriate internal layout for a 3 bedroom unit could not be achieved which would lead me to conclude that departing from the adopted policy would be justified.

14. Therefore, the proposed development would fail to provide a satisfactory mix of housing types. Given the level of the shortfall, I find that the conflict with the policies of the LP1 as noted above would cause minor harm to the aim of achieving a balanced housing stock.

Living conditions

15. One of the bedrooms in unit C of the proposed development would fall below the Technical housing standards – nationally described space standard, with the overall space within that unit also failing to meet the minimum space standards. Additionally, the concerned bedroom would be served by narrow transparent windows facing the small gap running alongside the proposed building. Collectively this would result in a cramped and dark room which would have an extremely poor outlook.
16. There would also be two fixed translucent glazing sections to this window which would be within very close proximity to the side windows of the neighbouring property. This would result in a feeling of being overlooked in the proposed bedroom as movement beyond the window may be detectable.
17. The rear garden of the appeal site is of a generous size. However, future occupiers of the proposed first floor units would have to exit the building to the front and walk around the property to access this space. Similarly, whilst the top floor unit would have a balcony, it would be of a limited size. Future occupiers of this unit would also have to navigate downstairs and around the building to access the rear garden.
18. This arrangement is highly inconvenient for future occupiers and it would be along a narrow and enclosed route. The poor accessibility would likely dissuade use of the garden, to the detriment of their living conditions.
19. Consequently, the proposal would not provide satisfactory living conditions for future occupiers. It conflicts with Policy D6 of The London Plan and Policy 56 of the LP1 which aim for developments of a high-quality design which meet minimum prescribed standards and provide sufficient internal and external space, daylight and outlook, amongst other things.

Parking and highway conditions

20. The appeal site is located within an area which is not covered by a controlled parking zone. The parking survey provided by the appellant indicates there is very limited on-street parking capacity with very high levels of stress recorded. This correlates with my observations during my site visit.
21. Policy 66 of the LP1 seeks to ensure all new residential developments are car-free. It is however recognised that in less well-connected areas, such as the appeal site, a deviation from car-free development may be justified. This is subject to the submission of a Transport Assessment, which I have not been provided with. Where off-street parking may be justified it should not exceed the maximum parking standards, which for the appeal development would be 7 spaces.
22. The appeal proposal would provide 2 off-street car parking spaces as per the current situation. Given the scale of the development, the very limited on-site provision and the high levels of parking stress in the immediate locality, the

appeal proposal would add significantly to the already high demand for on-street parking.

23. Therefore, the proposal would have a harmful effect on parking and highway conditions and would conflict with policies T1 and T6 of The London Plan and Policy 66 of the LP1 which seek to manage vehicle parking in a sustainable manner.
24. Linked to this issue, whilst the current highway and parking conditions are acknowledged, the impact of the proposal on highway conditions during construction would be somewhat limited due to its overall scale. I therefore consider that it would be acceptable in this instance for a construction logistics plan to be conditioned to be submitted and approved prior to construction, should permission be forthcoming. In this regard the proposal would not conflict with Policy T7 of The London Plan or policies 63, 64 and 65 of the LP1.

Other Matters

25. I acknowledge the appellants agreement to the contributions sought by the Council however I have not been provided with a planning obligation. Regardless, as I am dismissing this appeal for other reasons as set out above, even if I had been provided with an obligation and found it to satisfy the 3 tests set out in the National Planning Policy Framework or the Community Infrastructure Levy Regulations 2010, this would not have affected my overall conclusion on this appeal.
26. The Council's handling of the planning application and the advice the appellant received from the Council over the course of some years is not a matter for me within the context of this appeal, which I have determined on its own merits based on the most up to date plans and detail.

Planning Balance and Conclusion

27. The proposal would result in economic benefits during construction and on subsequent occupation. Given the scale of the development I afford these benefits limited weight.
28. The development would result in harm to the character and appearance of the area and highway conditions, and it would fail to provide an appropriate mix of housing and satisfactory living conditions for future occupiers. This harm leads to conflict with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR