



Appeal Decision

Site visit made on 4 August 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 06 September 2024

Appeal Ref: APP/U5930/D/24/3340689

50 Mornington Road, Chingford, London E4 7DT

- 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 Albert Hellen against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 232424.
 - The development proposed is for the formation of parking area at front garden area together with partial demolition of existing front boundary wall and provision of vehicular crossover.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The description of development in the planning application form is "the formation of a crossover for 1 No. car parking space". However, I have taken the description from the Notice of Decision in this case as it more clearly describes the appeal proposal.
3. Prior to determining the appeal, further comments were sought from the main parties in relation to the adoption of the new Waltham Forest Local Plan Part 1 on 29 February 2024. Any further comments received have been taken into consideration in determining this appeal.
4. At the site visit I saw that the wall in question had been demolished. The bricks were scattered in the front garden of the appeal site.
5. The appeal proposal is within the Station Road Conservation Area (SRCA) and therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies which requires special regard to be had to preserving or enhancing the character or appearance of the conservation area.

Main Issues

6. The main issues are the effect of the proposal on the character or appearance of (i) the host dwelling, and (ii) the SRCA and (iii) highway safety.

Reasons

Character or Appearance – Host Dwelling

7. The appeal property is an Edwardian style semi-detached dwelling, originally designed with a front garden enclosed by a low boundary wall with a gate. It retains its original porch and detailed design features at the front. Mornington Road is within Character Area 10 of the Chingford Station Road Conservation Area Appraisal (2023) (the Appraisal). The Appraisal includes a photograph of the appeal property with the low boundary wall still in situ. It is described as a typical Mornington Road property.
8. The appeal proposal seeks planning permission to regularise the demolition of the front boundary wall and to introduce hardstanding to park a vehicle. Even with the proposed grass reinforcement mesh and some planting, a parked vehicle in the front garden would create a dominant and incongruous feature. This, together with the loss of the original enclosed garden through demolition of the front boundary wall would have a detrimental impact and cause harm to the character and appearance of the dwelling.
9. Accordingly, I find that the proposal conflicts with policy 53 of the Waltham Forest Local Plan Part One – Shaping the Borough 2020-2035 (2024) (WFLP) and policies D1 and D4 of the London Plan (2021) and the National Planning Policy Framework (the Framework), all of which seek high quality design appropriate to its context.

Character or Appearance – Conservation Area

10. The SRCA's special historic interest includes the suburbanisation of the location north-east of the City of London by wealthy middle-class buyers during the Victorian and Edwardian period. The appeal property is an architectural example of the more modest dwellings of that period in the SRCA. The Appraisal refers to the loss of original boundary features to off street parking having a negative contribution on the special historic and architectural interest of the SRCA. It identifies that their reinstatement would make a positive contribution. Although there are many examples of dwellings that have demolished the front boundary walls to accommodate parking, it is likely they pre-date the recent designation of the SRCA. Open frontages with hardstanding for parked vehicles do not contribute positively to the special interest of the SRCA. Their presence in the street-scene does not justify the harm caused by the appeal proposal.
11. The original enclosed front gardens of the Victorian/Edwardian dwellings are an historic and attractive feature in the street-scene and make a positive contribution to the character and appearance of the SRCA.
12. Overall, I find that the demolition of the original wall together with the introduction of hardstanding and a parked vehicle in the garden area would amount to a level of harm to the historic and architectural special interest of the SRCA that in terms of the Framework, would be less than substantial.
13. The introduction of an off-street parking place would benefit the private occupier of the appeal site and would not amount to a public benefit. The access would need to be kept clear of parked vehicles in any event and so there would be no net gain in terms of on street parking.

14. Having regard to paragraph 208 of the Framework, from the evidence before me I find that there would be no public benefit that justifies the identified harm. I therefore conclude that the appeal proposal would cause unjustified harm to the designated heritage asset.
15. In exercising my statutory duty, I have attached great weight to the identified harm to the character or appearance of the SRCA.
16. Accordingly, I find that the proposal conflicts with Policies 70 and 72 of the WFLP, and HC1 of the LP in that it harms the character or appearance of the SRCA and there is no clear and convincing justification for that harm.

Highway Safety

17. There is disagreement between the main parties regarding the accuracy of plans and cited measurements. The Council's concerns that the plans are inaccurate in relation to the parking area dimensions are noted. New information has been submitted since the Council's determination of the planning application that seeks to clarify the measurement from the property to the pavement is approximately 5.9 metres. However, 150mm is deducted due to the presence of the ground floor window sill.
18. It is agreed between the main parties that a minimum of 4.9 metres would be required to accommodate an average sized vehicle. Based on the information before me, having regard to the objection from the Highway Officer and my observations at the site visit, I am not persuaded that there would be 5.9 metres within the frontage. Overall, I find that there is insufficient space to safely accommodate a standard vehicle within the existing front garden area of the property. Alterations to the window sill of the property frontage are not part of the proposal before me.
19. I find that as a parked vehicle would more likely than not overhang the pavement the proposal would be unacceptable in terms of highway safety as it would create an obstruction of the pavement that would cause a hazard to pedestrians.
20. Accordingly, I find that the proposal conflicts with Appendix 1 Parking Standards paragraph 21.39 of the WFLP concerning parking in front gardens, and Policy 60E of the WFLP, in that it would increase road danger in the neighbourhood. Policies 63 and 66 of the WFLP are referred to by the Council, however, I find that the proposal would not conflict with these policies as they relate to major development proposals and new residential development respectively.

Other Matters

21. The concerns raised about being unaware of the existence of the SRCA when the property was purchased are outside the scope of this planning appeal.
22. Had the appeal been upheld, it would have been necessary to further address the disagreement between the parties regarding the accuracy of the plans to enable conditions relating to approved plans to be imposed. However, as no planning approval has been granted this was not necessary.

Conclusion

23. Having taken into account all representations made, for the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and with the provisions of the Framework in relation to designated heritage assets. There are no material considerations that would justify a decision other than one in accordance with the development plan. The appeal should be dismissed.

A Hartley

INSPECTOR