

Appeal Decision

Site visit made on 30 July 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal Ref: APP/U5930/W/24/3340118

70 Sandringham Road, Waltham Forest, Leyton E10 6HJ

- 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 Mr Kauser Javed Akhter against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 232422.
 - The development proposed is proposed demolition of existing rear extension and construction of 1 bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the policies from the Waltham Forest Core Strategy (2012) and the London Borough of Waltham Forest Development Management Policies Local Plan (2013) referred to in the Decision Notice have been superseded by policies from the Waltham Forest Local Plan Part 1 Shaping the Borough 2020-2035 (LP1). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. In the case of this appeal, the Council has suggested that Policies 6, 53, 56, 57, 60, 63, 80, 93 and 94 of the LP1 are now the policies relevant to the determination of the appeal. The appellants are aware of the policy and have had the opportunity to comment upon its relevance to the appeal.

Main Issues

3. The main issues are:
 - the effect of the development of the host property and character and appearance of the area including the likely long term effect on adjacent street trees;
 - whether the proposal would provide suitable living conditions for future occupants with regard to waste storage and collection;
 - the effect of the proposal on the safe and efficient operation of the local highway network with regard to parking provision; and

- the effect of the proposal on the Epping Forest Special Area of Conservation (SAC).

Reasons

Character and appearance

4. Most of the properties on Sandringham Road are terraced, large and two storey. Those on the eastern end of the street retain traditional architectural details including curved bays and first floor oriel windows. The uniform plot sizes and repeated design form a consistent rhythm of development along much of the street, which is characterised by dense built up frontage development. Most properties have been extended significantly on their rear elevations.
5. 70 Sandringham Road (No 70) occupies a corner plot and the garden to the side of the property has been infilled by a single storey extension and a flat roofed rear extension. There are also several ancillary buildings within the rear garden area including a garage and several outbuildings. The proposal is for the extension of the appeal property in order to allow for the creation of a new one bedroom property. This would include the erection of a first floor side extension, replacement of the existing rear extension with a larger rear extension and the replacement of the existing outbuilding with two new outbuildings.
6. The proposed dwelling would be erected to appear as an extension to No 70 and would include design details including a first floor oriel window that would reflect the position and design of those on the other properties in the terrace. The proposed rear extension would be modest in terms of its projection from the rear elevation and height. The flank elevation of the property would include a window and two doors. While entrance doors on side elevations are not typical in the area they are unobtrusive and not particularly detrimental to the overall character and appearance of the street.
7. The proposed dwelling would be smaller than other properties on the street, which are mainly larger family homes. However, as the property has been designed to read as an extension to No 70 it would not appear as an incongruous element within the street scene. While the resultant dwelling would be smaller there is no substantive evidence before me to demonstrate that it would not meet current space standards.
8. Given that I have concluded that the proposed design would be acceptable, I can see no reason why it would lead to harmful development on other sites in the area.
9. It is a matter of dispute between the main parties as to whether or not the street trees adjacent to the site would be impacted by the proposed scheme. The trees add a verdant quality to the street and the proposed development may encroach into root protection areas. The appellant has suggested that they could utilise construction methods that would not harm the roots of the trees. However, details of protection methods have not been submitted. Further, no tree survey or arboricultural report has been submitted regarding the condition of the tree and the likely impact of the proposed development. In the absence of an up to date tree survey and arboricultural report and

details of construction methods, it remains the case that the trees could be harmed.

10. The design of the proposed dwelling would not have a harmful impact on the character and appearance of the area. However, it may have a harmful impact on established street trees. Therefore, the proposal would fail to comply with Policy 56 of the LP1 which requires that development proposals reinforce and/or enhance local character and distinctiveness, taking in to account trees and landscaping.

Waste storage

11. The submitted plans indicate that the proposed dwelling would include a bin storage area within the front garden, fronting on to Sandringham Road. It is acknowledged that the property would be accessed off Peterborough Road and there would be no direct access to the front garden. However, the distance between the entrance and bin storage area would not be significant and it would not be unreasonable for future occupants to carry waste from the entrance to the external storage area.
12. For the reasons detailed above the development would allow for the suitable provision of waste storage and collection facilities. As such the proposal is in accordance with Policy 93 of the LP1 which stipulates that new development provides accessible, adequate and well designed internal and external storage facilities for residual waste and recycling.

Parking

13. The application site is within a controlled parking zone (CPZ), which is indicative of a level of parking stress as existing. I also noted on my site visit that the front gardens of several properties in the area had been converted to private parking spaces; with driveways restricting opportunities for on-street parking.
14. Whilst future occupants may not be dependant on private cars for day to day transport requirements they might want to own and park a vehicle for those journeys that are not possible or practical on public transport. This would exacerbate the level of parking stress in the area and encourage travel by private car which has a detrimental impact on air quality, personal health, well being and the environment.
15. In light of these impacts Policy 66 of the LP1 requires all new residential developments to be car free only allowing car parking in exceptional circumstances. There is no evidence before me to demonstrate that the proposal would be in accordance with any of the criteria listed. Therefore, a planning obligation would be required to prevent the proposed dwellings from being occupied by individuals that hold a parking permit.
16. In the absence of a completed planning obligation to secure the development as car free, I have no mechanism for securing the required restriction. Therefore, the proposal fails to comply with the requirements of Policy 66 of the LP1 which requires that new residential development to be car free.

Special Area of Conservation

17. It is understood from the Councils' statement of case that Waltham Forest falls within the 'Zone of Influence' (ZOI) for the Epping Forest Special Area of Conservation (SAC). The Council's Habitats Regulations Assessment identifies that all new residential development within this ZOI constitutes a likely significant effect on the sensitive interest features of the SAC due to increased recreational pressure, either when considered 'alone' or 'in combination' with other plans or schemes.
18. It is understood that for schemes comprising one or more units of residential accommodation, a new package of costed Strategic Access Management Measures (SAMM) was prepared by the City of London Conservators of Epping Forest and was adopted in 2022, with the agreement of Natural England. The new SAMM levy requires a contribution of £627 per unit from all new residential schemes. As the proposal would include a single additional units a total contribution of £627 would be required in this instance.
19. However, in the absence of a completed planning obligation to secure the SAMM levy, I have no mechanism for securing the required contribution. Therefore, the proposal fails to comply with the requirements of Policy 94 of the LP1 which requires that planning obligations will be required to secure financial contributions to meet the reasonable costs of provision to support the development and offset its impact. This policy also stipulates that planning contributions to make a particular development acceptable in planning terms, will be secured via a legal agreement.

Other Matters

20. The Council's third reason for refusal included reference to a legal agreement to secure £1000 toward improving sustainable modes of transport, an additional contribution towards the monitoring of the Construction Logistics Plan; as well as a S278 agreement for highway related works for the renewal of the footway and refreshment of road markings. However, the Council has not provided adequate justification or evidence that an assessment has been carried out to demonstrate that these obligations are necessary to make the development acceptable. Therefore, the statutory tests of paragraph 57 of the Framework have not been met.
21. I note that the appellant has taken pre-application advice provided by the Council in finalising the scheme. However, the advice provided by the local authority cannot pre-empt the democratic decision making process or a particular outcome, in the event that a formal planning application is made.
22. The Council have raised no objection in relation to other amenity standards for future occupants including in relation to internal floor area, ceiling heights and external amenity space, cycle storage, daylight and sunlight. They have also raised no concerns regarding the living conditions of neighbouring occupants in terms of daylight, sunlight and outlook. Further, the property would be of an appropriate energy efficient design and would include suitable provision for waste storage and collection. However, the absence of harm in these respects form neutral factors in my assessment of the appeal, weighing neither for nor against the proposal.
23. The proposal would provide an additional housing unit, in a suitable location where there is an identified need. This would maximise the use of the site

and make a modest contribution to the housing supply in the area. In so doing, the proposal would support the aims of the National Planning Policy Framework which details the Governments objective of significantly boosting the supply of homes and Policy H2 of the London Plan 2021, which encourages the development of small sites in order to meet London's housing needs. There would also be associated economic benefits during construction. Due to the scale of the proposed development, these benefits would be limited.

24. The proposed development would comply with some policies in the development plan. However, in light of the conflict I have found with a number of policies, as detailed above, I conclude that the proposal would be in conflict with the development plan as a whole. The benefits outlined above would not be outweighed by the harm I have identified.

Conclusion

25. For the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR