



Appeal Decision

Site visit made on 18 March 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/U5930/W/24/3352229

Kapture Restaurant, 267 High Road, Leyton E10 5QN

- 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 Idajet Demjani (Kapture Restaurant) against the decision of Waltham Forest London Borough Council.
 - The application Ref is 240190.
 - The development proposed is a side extension with retractable roof to provide additional external seating area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a discrepancy between the plans submitted and the Council's decision notice. The appellant has confirmed that the drawings of external works side elevation 1 of 2 is rev B, not rev A and 2 of 2 is Rev A not Rev B.
3. In my heading above I have used the description on the decision notice, which reflects the revised description agreed during the planning application. I have omitted the word 'retention' as this is not an act of development. During my site visit I observed that the canopy, as well as the other elements of the side extension, had been completed.
4. The Council has confirmed that Leyton Town Hall is a Grade II listed building. The duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) have informed my framing of the main issue.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host building (a non designated heritage asset), and significance of the Leyton Town Conservation Area (CA) and Leyton Town Hall (Grade II listed building).

Reasons

6. The CA spans a broadly L shaped area between the Coronation Gardens and Leyton Library. Its significance is derived from two main components, firstly a concentration of buildings exhibiting impressive Victorian architecture and secondly, the deliberately planned formality of the Coronation Gardens. Within the historic buildings aligning the High Road are notable examples of former civic and/or public buildings. These include the former town hall, a library and former

bank premises at the appeal building itself. The proportions, architectural detailing and quality of materials of these buildings contribute notably to the character and appearance of the CA, reinforcing the civic grandeur of the CA overall.

7. The grandest building within the street is the Grade II listed building of Leyton Town Hall (also known as Municipal Offices and The Leyton Engineer)(the listed building). The listed building is a late Victorian red brick building with white stone that was built at approximately the same time as the appeal site building (267 High Road) opposite. Insofar as is relevant to this appeal, its significance primarily arises from its considerable aesthetic qualities which include its large scale, distinctive use of materials and rich Victorian eclectic classical style. It also has notable historic and communal interest given its past use as a town hall. For these reasons, the listed building commands a hierarchy in the street scene, and makes a valuable contribution to the qualities of the CA.
8. The Act contains duties whereby special regard should be given to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess; and preserving or enhancing the character or appearance of the CA.
9. No.267 is of a broadly similar, albeit more muted, late Victorian architectural style constructed from red brick and off white stone. As a prominent corner building, it has a scale and level of detailing conveying a solid grandeur commensurate with its former use as a bank. However, it defers in stature and detailing to the listed building on the other side of Adelaide Road. Consequently, the appeal building is an important feature within the CA. In addition, it is sufficiently close to the listed building, so as to fall within its setting, with qualities that resonate with, and thereby reinforce, its historic and architectural significance.
10. The extension to No.267 consists of a canopy. The roof has a very similar colour to the stonework of 267 High Road that it is bolted onto and that appears to be retractable. However, the remainder of the side extension has a high degree of permanence and obscures a large proportion of this ground floor side elevation of No.267, that will cover many of the traditional architectural details of this building. The proposed development by virtue of its design and materials is not considered to equate the architectural quality of the Victorian building. Therefore, the development detracts from both the character and appearance of the host building.
11. The Grade II listed building opposite has been at least partially converted into a Public House named The Leyton Engineer. This Public House has a side uncovered seating area facing No.267, set behind metal railings that separate it from the public footpath. By comparison given its scale and design, the proposed side extension looks incongruous, with the appearance of the wider CA and unbalances and distracts from the architectural style of the listed building.
12. Therefore, the proposal undermines the significance of the listed building, and qualities which are important to the CA. It follows that the proposal does not preserve the setting of the listed building nor preserve or enhance the character and appearance of the conservation area. On this basis the proposal conflicts with the expectations of the Act.
13. In terms of the National Planning Policy Framework (the Framework) for similar reasons, the proposal causes less than substantial harm to the significance of two designated heritage assets.

14. Paragraph 215 of the Framework states that in these circumstances this harm should be weighed against the public benefits of the proposal. These are the potential additional employment on site and economic stability of the business known as Kapture Restaurant. However, these public benefits do not outweigh the great weight given to the harm to the listed building or CA.
15. The proposal also causes harm to the non-designated heritage asset of the host building (locally listed). Given the importance of this building within the CA and being of similar architectural style to the listed building, the harm as identified above weighs significantly against the proposal in accordance with paragraph 216 of the Framework.
16. Overall, the proposal conflicts with national policies that seek to protect the historic environment.
17. Whilst I noted that there were other canopies in the vicinity of the appeal site, they did not include wall type elements and were smaller in size than the proposal before me. Hence, their presence does not lead me to find otherwise.
18. Given the identified harm to the listed building, the CA and the non-designated heritage asset of the host building, the proposal conflicts with Policies 53, 72 and 75 of the Waltham Forest Local Plan Part 1 2024 that seek to provide high quality design, preserve or enhance the CA and protection of non-designated heritage assets including their settings.

Other Matters

19. Applying for development retrospectively should not weigh for or against the proposal.
20. The appellant states that following amendments the application was to be recommended for approval by the Council's case officer, but it was refused. However, the behaviour of the Council is not a matter for me to consider in an appeal under section 78, which I have determined on its planning merits.

Conclusion

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

A Phillips

INSPECTOR