



Appeal Decision

Site visit made on 14 April 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/U5930/W/24/3357679

3 Lemna Road, Leytonstone, Waltham Forest E11 1JL

- 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 Iain Williamson (Unsworth (UK) Limited) against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 240259.
 - The development proposed is repaving of the front forecourt area with tarmac, formation of a dropped kerb to facilitate the formation of a driveway for vehicular access. Works include alterations to the front boundary wall, installation of drainage channels and retractable parking bollards.
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Decision

1. The appeal is allowed and planning permission is granted for repaving of the front forecourt area with tarmac, formation of a dropped kerb to facilitate the formation of a driveway for vehicular access; including alterations to the front boundary wall, installation of drainage channels and retractable parking bollards at 3 Lemna Road, Leytonstone, Waltham Forest E11 1JL, in accordance with the terms of the application, Ref 240259, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev V7, 02 Rev V7, 03 Rev V7, 04 Rev V7, 05 Rev V7, 06 Rev V7, 07 Rev V7 and 6871-CIV-10 Rev P1.
 - 3) The front forecourt area shall be implemented with permeable surfacing materials, which shall thereafter be retained for the lifetime of the development.

Procedural Matters

2. I have taken the description of the proposal from Section E of the planning appeal form, which is consistent with the Council's decision notice, and with the description in the appellant's statement of case.
3. In December 2024, after the Council issued its decision, a revised National Planning Policy Framework was published ('the Framework'). It is that version that I refer to in my reasoning.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the host property and its setting.

Reasons

5. The host comprises a two storey commercial building, with a flat roofed form, and which is finished in red brick, with regular fenestration. The Council describes it as a well-maintained example of 1950s commercial architecture, with metal framed windows and an attractive entranceway with a cantilever canopy. Its style is typical of its era and is similar to the adjacent Robart House. It is on the Council's Local List, and for the above reasons, having regard to Section 16 and Annex 2 of the Framework, it is a non-designated heritage asset.
6. The building is set back slightly from Lemna Road behind a narrow grass area, with a driveway to one side, and a low brick wall next to the pavement. Elsewhere along this stretch of Lemna Road, I observed that the residential properties broadly opposite are set back behind a large area of lawn with trees, whilst Robart House is set back behind a low brick wall, and a lawn which is intersected by sections of hardstanding.
7. The Council's description of 3 Lemna Road in its Local List makes no reference to surfacing materials or to boundary treatment. For my part, I note that, as a result of this scheme, most of the low front boundary wall would be retained, with only a small section removed to create a vehicular exit. Although the proposed tarmac driveway would have a starker appearance compared to the grass it would replace, as that grass area is fairly small and narrow, and it sits behind boundary features, it makes a very limited contribution to the setting of the building, and other than from directly in front of the site, it is partially obscured in many streetscene views.
8. There would be no alterations to the building itself. The vehicular entrance gates depicted on the submitted drawings were no longer present at the time of my visit. Whilst it appears that they were of a similar style to the metal railings on the side boundaries, from the limited evidence before me I am not persuaded that they made a contribution to the significance of this heritage asset.
9. For these reasons, the scheme would not harm the character and appearance of the host property or the area; and the significance of the heritage asset would not be harmed. It would not therefore conflict with Policy D4 of the London Plan (2021), or Policies 53, 74 and 75 of the Waltham Forest Local Plan Part 1 (2024). Amongst other things, and in general terms, these require high quality design, which reinforces and/or enhances local character and distinctiveness, having regard to matters such as landscaping and features of local and historical significance; and seek to protect and conserve non-designated heritage assets, including their settings.
10. Even if there would be harm to the setting of this non-designated heritage asset, that harm would be very modest. In enabling small delivery vehicles to easily park on site, thereby limiting obstructions on Lemna Road, there would be public benefits as a result of this scheme. Thus, exercising a balanced judgment in accordance with paragraph 216 of the Framework, the appeal should be allowed.

Conditions and Conclusion

11. I have considered the Council's suggested conditions against the Framework's tests, making minor amendments for clarity and precision. As well as the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans.

12. The Council has suggested a further condition requiring that the front forecourt, as depicted on the plans, be retained as permeable surfacing. The Statement of Case refers to the use of permeable materials and the installation of drainage channels, whilst the submitted drawings depict ACO drains leading to a surface water sewer via a cellular storage tank.
13. The evidence with regards the proposed means of surface water drainage is therefore not entirely clear. However, the appellant has not commented on the Council's suggested condition and, on the basis of the information before me, in the interests of ensuring appropriate surface water drainage, I agree that it is necessary.
14. For these reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR