



Appeal Decision

Site visit made on 2 May 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/U5930/W/25/3358523

Land adjoining 120 Warner Road, Walthamstow, London E17 7DZ

- 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 Robert Bird against the decision of the Council of the London Borough of Tower Hamlets Hackney Waltham Forest Redbridge.
 - The application Ref is 232409.
 - The development proposed is the demolition of existing garages and construction of 2no. residential apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the street scene,
 - (ii) the effect of the proposal on the living conditions of the occupiers of 118 and 120 Warner Road, with particular regard to privacy, and
 - (iii) whether the proposal would provide acceptable living conditions for future residents, with particular regard to internal space standards.

Reasons

Character and Appearance

3. The appeal site comprises a roughly triangular parcel of land bounded by 118 and 120 Warner Road one side, a deep railway to the north and the rear gardens of the houses in Northcote Road to the south. It is occupied by a set of garages which are accessed from Warner Road via a gate and short driveway. At the time of my visit the garages were largely hidden from view by virtue of the dense belt of trees along the side of the railway cutting.
4. The site is situated in a residential street which primarily comprises handsome terraced housing with verdant front gardens. The part of Warner Road that goes over the railway affords a far more open aspect to either side and is in stark contrast to the more enclosed residential parts of the street. The appeal site is at the transition point between these 2 contrasting areas.

5. The appeal proposals would comprise the erection of a 2-storey building with a mono-pitch roof. This would provide a pair of 2-bedroom flats, one on each floor. These dwellings would face Nos 118 and 120 and the neighbouring gardens with the rear elevation sited along the northern boundary of the site adjacent to the railway cutting. This large, imposing and predominately windowless elevation would be screened from view for a large part of the year by the thick vegetation currently occupying the side of the cutting.
6. However, I am acutely conscious that during the winter the level of screening would be reduced and there is a likelihood the vegetation would be cut back at some point in the future given its closeness to the railway line. The absence of screening would result in the appeal proposal being a highly conspicuous and incongruous feature in views from the section of Warner Road that crosses the railway.
7. Due to its size, siting, massing and appearance I therefore conclude that the proposal would have an unacceptable effect on the character and appearance of the street scene. For these reasons the proposal fails to accord Policy 53 of the Waltham Forest Local Plan Part 1 (2024) (WFLP) and Policy D4 of the London Plan (2021) which, amongst other matters, seek high quality design that responds appropriately to the context in terms of scale, height and massing.
8. The Council refers to LP Policy D1 in its reason for refusal. As this relates to the preparation of area assessments and development plans it is not a relevant consideration.

Living Conditions – Neighbours

9. The neighbouring end-of-terrace property comprises a pair of flats, 118 and 120 Warner Road, with windows in the flank elevation that face the appeal site. The proposal would include corner windows at first floor level that would enable views towards Nos 118 and 120. Due to the short distance between these opposing windows the privacy of neighbouring residents would be severely compromised. Also, due to this close relationship there would be some overlooking of the garden to the rear of Nos 118 and 120 and outlook from these flats would be reduced, leading to an increased sense of enclosure.
10. For these reasons I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of 118 and 120 Warner Road. The proposal therefore fails to accord with WFLP Policy 57 which, amongst other matters, states that new development should respect the amenity of neighbours avoiding harmful impacts from overlooking, enclosure and loss of privacy.

Living Conditions – Future Occupiers

11. WFLP Policy 56 and LP Policy D6 set minimum standards for new residential development. One of the requirements set out in the latter is that a minimum floor to ceiling height of 2.5m must be achieved for at least 75% of the gross internal area of a new dwelling. The drawings before me indicate that this requirement would be met and therefore future occupiers of the proposed flats would benefit from acceptable living conditions and the aforementioned policies are accorded with.

Other Matters

12. The Council's fourth reason for refusal refers to a failure to enter into a s106 legal agreement to secure a range of planning obligations. The appellant has not disputed the need for the planning obligations sought by the Council and has provided a Unilateral Undertaking. However this is not signed or dated. The proposal is therefore contrary to the WFLP in this respect.
13. I recognise that the proposal would make a contribution, albeit small, towards the supply of housing in the borough in line with the development plan objectives in respect of small sites. I also note that the ground floor flat would be suitable for wheelchair use. However, these benefits do not outweigh the harm identified above.

Conclusions

14. For the reasons set out under the first and second main issues above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR