



Appeal Decision

Site visit made on 26 June 2025

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/U5930/W/25/3361822

103A Station Road, Chingford E4 7BU

- 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 Geokos London Limited against the decision of the Council of The London Borough of Waltham Forest.
- The application Ref. is 242886.
- The development proposed is for the construction of a two storey rear extension above ground floor level rear roof and internal alterations of existing upper-level flat to create 3 no. self-contained dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal having regard to:
 - the character and appearance of the host property and surrounds, including the Chingford Station Road Conservation Area (CA);
 - the living conditions of the occupiers of 101 Station Road in respect of outlook and overbearing impact and noise and vibration;
 - the living conditions of future occupants of the development with regard to the layout of the accommodation, outlook, privacy, noise and vibration and external amenity space; and
 - legal obligations.

Reasons

Character and appearance

3. The appeal property is three-storey, mid-terrace building on Station Road in an urban environment comprising a mixture of uses. The ground floor is retail with a flat above, accessed via a door in the front elevation. Towards the rear is a car park and beyond are roads consisting generally of residential dwellings.
4. The CA Appraisal notes that the area's special architectural and historic interest derives from North Chingford's location at the north-eastern edge of London. The historic settlement was characterised by its historic landscape setting to the north and east, which provided a pleasant view for the grand villas on Forest Avenue, Crescent Road and Forest View. This setting remains undeveloped today and forms a fundamental element to the character and unique quality of the place.

5. Being situated in the CA, I have applied the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paid special attention to the desirability of preserving or enhancing the character or appearance of the CA by attaching considerable importance and weight to that desirability.
6. The site is located in the Station Road Central Character Area, the Appraisal states that in the locale roofs are pitched and typically feature gabled fronts or turrets above bay windows, except the short terrace at Nos. 99 to 105 (of which the appeal building is a part), where the roofs are concealed behind a parapet. Key vistas are mainly along the thoroughfares in the neighbourhood; I note that the rear of the appeal site is not identified as being of particular significance.
7. At my visit I observed that views of the development would be afforded from Cart Lane. Nevertheless, the size, form and design of buildings vary considerably, and due to the presence of other substantial structures around the rear car park the overall impact of the scheme would be limited. The height of the proposal would not be excessive having regard to the surrounds, and the rear wall would not project beyond the hindmost elevation of no.105 immediately adjacent. Taken in the round, I am satisfied that it would be well-proportioned and assimilate with the back of the terrace and wider locality.
8. I acknowledge the Council's concerns in respect of the introduction of a mansard roof and metal cladding to the area, however in the context of the multi-faceted character of the street scene I find that there would be no material harm as a result.
9. I therefore conclude that the scheme would not result in detriment to the character and appearance of the host property and surrounds, including the CA. It would comply with Policies 53 and 72 of the Waltham Forest Local Plan Part 1 2024 (LP) and Policies D1 and D4 of the London Plan (LonP), which expect new development to be of a high-quality design that reflects and respects the existing setting and local context.

Living conditions – 101 Station Road

10. Outlook from the rear habitable windows and terrace of 101 Station Road is already severely impeded by the extent of the flank wall at no.99. Whilst I recognise that the proposal would further restrict outlook from these openings and the terrace, I saw at my visit that views would be maintained in a broadly southerly direction over the gardens of houses fronting Garfield Road and towards the railway line.
11. Moreover, I am cognisant that these are high-density, metropolitan environs where it would not be unusual to be able to see the built form of other houses from the windows of internal rooms and external terraces. The courtyard serving flat 1 would also provide some visual relief and articulation to the built form. Overall, in this context, whilst there would be an increased sense of enclosure as a result of the appeal proposals, I find that this would not be so significant as to warrant refusal on this ground.
12. The development includes air source heat pumps within the courtyard serving flat 1. I am satisfied that relevant planning conditions could be imposed to ensure that any noise and vibration from the units is mitigated such that no adverse harm to living conditions arises.

13. Accordingly, the scheme would not have a material effect upon the living conditions of the residents of 101 Station Road in respect of, outlook and overbearing impact, and noise and vibration. It would be compatible with Policy 57 of the LP and Policy D6 of the LonP, which seek to ensure development respects the amenity of existing occupiers.

Living conditions – future occupants

14. Amongst other things, Policy D6 of the LonP sets out private internal space standards which housing developments are required to meet. Although the internal space standards set out within Policy D6 are generally reflective of those within the Technical Housing Standards – Nationally Described Space Standard (NDSS), there is some inconsistency between the minimum floor to ceiling height requirements. As the most recently adopted part of the development plan relevant to this issue, I give the greater weight to the standards set out within Policy D6 rather than the NDSS. The internal space standards within Policy D6 of the LP are a minimum requirement and are intended to act as a benchmark for high design quality.
15. To meet Policy D6's space standards, the minimum floor to ceiling height of a dwelling must be 2.5 metres for at least 75 per cent of its gross internal area. For flat 2, the appellant has set out measurements and calculations that do not demonstrate compliance with the LonP.
16. In addition, flat 2 would not benefit from any external amenity space; I appreciate that this might be common for flats above shops within a town centre location. However, I share the Council's concerns that the lack of outdoor amenity space should only be allowed if the living quality can be compensated by internal space that meets the standards of the LonP. In this instance, the appeal scheme would fail to provide a high quality of accommodation to justify the absence of outdoor amenity space by virtue of the inadequate ceiling heights. To my mind, these associated shortfalls demonstrate that the layout of the scheme would result in a cramped and oppressive environment for future occupants of the unit.
17. In other respects, the mezzanine of flat 2 would be served by roof windows. I have no reason to conclude that these windows would not open and, given they would be on opposite sides of the property, natural cross ventilation would occur. Each of the windows would face either north or south; sunlight would enter the latter openings for most of the day and be likely to reach much of the accommodation. The skylights facing north would be set at head height and therefore a degree of outlook, more than only upward views of the sky, would be likely provided by them.
18. The appellant has provided revised plans to show that the double bedrooms within flat 1 would exceed 11.5 square metres in area and the Council does not appear to object further on this matter. I am satisfied that the provision of the courtyard and balcony for flat 1 would provide sufficient amenity space and there would be appropriate levels of outlook and privacy to the bedrooms of flats 1 and 3 subject to the installation of boundary treatment to the courtyard facing 101 Station Road.
19. As per my reasoning above, I find that relevant planning conditions could be imposed to ensure that any noise and vibration from the units is mitigated such that no adverse harm to living conditions arises.

20. Whilst there would be no deleterious effects upon the living conditions of prospective occupants of the development with regard to outlook, privacy, noise and vibration, the development would be harmful to with respect to the layout of the accommodation and external amenity space. This would run contrary to Policy 57 of the LP and Policy D6 of the LonP, which seek to ensure development respects the amenity of future occupiers.

Legal obligations

21. The appellant has entered into a signed and dated unilateral undertaking under section 106 of the Town and Country Planning Act 1990, which include obligations that would come into effect if planning permission were to be granted, and the Council has confirmed that these are satisfactory. Nevertheless, as the appeal is being dismissed for the reasons outlined above, it is not necessary to consider this issue further.

Conclusion

22. Although the appeal scheme would not have an undue effect upon character and appearance and the living conditions of the occupiers of 101 Station Road in respect of outlook and overbearing impact and noise and vibration; it would be detrimental on the grounds of the living conditions of future occupants in respect of the quality of internal accommodation and external amenity space. Based on the foregoing and all other factors in evidence before me, I dismiss the appeal.

C Hall

INSPECTOR