



Appeal Decision

Site visit made on 23 July 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/U5930/W/25/3363451

49 Lincoln Street, Waltham Forest, Leytonstone E11 4PZ

- 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 Sudan Mahendran against the decision of the London Borough Council of Waltham Forest.
 - The application Ref is 242331.
 - The development proposed is subdivision of land at No. 49 Lincoln Street and construction of a three storey building (Including lower ground floor level) to create a semi-detached single dwelling house (1-bedroom two person dwelling - Use Class C3). Associated works to include; hard and soft landscaping, boundary treatment, solar panels, refuse storage and cycle storage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Sudan Mahendran. This application is subject to a separate decision.

Preliminary Matters

3. The description of development given on the decision notice is different to that given on the application form. The key difference between them is the removal of information surrounding a previously refused application at the appeal site. This is superfluous information. I have utilised the description given on the decision notice in the interests of conciseness.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal upon the living conditions of the future occupants of the development, with particular regard to space standards, light and outlook;
 - the effect of the proposal upon crime;
 - whether the proposal could be constructed or serviced without having an unacceptable effect on the public highway;
 - the effect of the scheme on flood risk and drainage; and,
 - whether a planning obligation is necessary in respect of matters relating to car free housing and recreational pressure.

Reasons

Character and appearance

5. Lincoln Street features two terraced rows which are separated by a gap between 49 and 51 Lincoln Street. The street showcases two main architectural styles. At the entrance and end of Lincoln Street, properties have a single bay window at the ground floor and two single windows at the first floor. In the middle section of the street scene, properties typically feature double bay windows across the ground and first floor. As such, despite the presence of a single storey garage, the gap found between 49 and 51 Lincoln Street marks a transition point where the terrace designs on either side mirror each other.
6. Nevertheless, Lincoln Street shares several unifying design elements. These typically include stone detailing on bay windows, recessed open porches, and front gardens with low boundary walls. Properties near the entrance of Lincoln Street, including the appeal property, feature ornate leaf detailing on doorways and bays. The material palette consists of brown and red brick, light render, and white-painted brick.
7. The proposed development would significantly diverge from Lincoln Street's established character. Its narrow frontage, slimline windows, set-down roof, set back from the terrace building line and lack of bay windows would contrast sharply with the prevailing design of the street scene. The front door, obscured by a large bike and bin store, would also disrupt the typical positive relationship between entrances and the street. These elements would create a building that would appear constrained and out of place. This would be further emphasised by its dark brick façade laid in a vertical pattern, which clashes with the lighter, traditional materials found throughout the street. Collectively, these elements would create a development which would be uncharacteristic and a stark contrast to the rhythm and appearance of Lincoln Street.
8. Several examples have been cited in the evidence before me. However, the evidence surrounding these examples are limited to plan and visualisation extracts and images. Two of these are located within other London boroughs. Each of these areas possess distinct local characteristics and are subject to different planning policies and guidance. As such, they offer limited relevance when assessing the appropriateness of the proposed development within the specific context of Lincoln Street.
9. Two examples however are located within Waltham Forest. 65A Goodall Road features similar fenestration, a complementary material palette and matches the height of its neighbours. It also completely infills a gap between the terrace and No. 67, making it less visually apparent. This is important, as this example is not immediately noticeable in this street scene, unlike the appeal proposal. 39 Albert Road, while contemporary in style, maintains a comparable height and width to its adjacent properties. Crucially, it sits within a much wider plot and therefore does not appear confined within its space, unlike the appeal site.
10. The appellant suggests that the final facing materials could be secured through a planning condition. While I acknowledge that a suitably worded condition could address this aspect prior to the commencement of development, this would not mitigate the broader concerns regarding the harmful impact on the character and appearance of the area.

11. In conclusion, the proposed development would conflict with Policy 53 of the Waltham Forest Local Plan Part 1 2024 (WFLP). This policy requires new development to reinforce or enhance local character and distinctiveness, considering factors such as existing development patterns, form, grain, height, materials, and other defining features.

Living conditions

Space standards

12. The proposed development would create a one bedroom, two person dwelling which is split across three floors with a floor space of 60.2m². Policy 56 of the WFLP states that proposals for new homes are required to meet the prescribed minimum internal space standards as set out in that policy. There is no space standard set out for a one bedroom, two person dwelling which is set across three floors. Nevertheless, the assessment of space should not just be confined to a numerical calculation. It is important to have regard to the material considerations of the development proposed, as suggested by the appellant.
13. The ground floor would comprise of a kitchen towards the front of the property, with a lounge and dining area to the rear. Due to the narrow width of the proposal, the lounge area would be limited. Once fitted with furniture, and when taking the space required to move through the development into account, this habitable area would feel confined and difficult for future occupants to relax in. Moving to the first floor, this area would comprise of a bathroom to the rear and a landing area. Owing to its layout and non-habitable nature, this space would provide a convenient and functional flow up to the bedroom on the second floor.
14. On the proposed plans, the bedroom space does not appear unduly small. However, a significant area of this bedroom would be located within the roof space. As such, this space utilises a sloping roof which lowers the overall standing space available for its occupiers, thus reducing its usable space. In turn, when combined with the provision of furniture, this would create an inconvenient and restrictive room layout.
15. I now turn to the matter of internal storage. Again, Policy 56 of the WFLP notes that dwellings must provide a minimum built in storage area, based on the number of bedrooms and spaces within that dwelling. For a one bedroom, two person dwelling, 1.5m² is required. The Council are critical that the proposed plans fail to show any form of internal storage. Indeed, these areas and their use were not explicitly highlighted during the application. The appellant has highlighted that areas of storage are located on the ground floor, first floor and within the bedroom. The majority of this space would be of a notable height and in total, would exceed the 1.5m² requirement as set out in Policy 56 of the WFLP.
16. Policy D6 of the London Plan 2021 requires a minimum floor to ceiling height of 2.5m for at least 75% of each dwelling. This policy does not differentiate between different dwelling types. Overall, the majority of space within the proposal would provide a height of 2.4m, with some rooms providing a greater height than others. Whilst this would be a small failing, this is a minimal requirement to which the proposal does not meet.

Light

17. The kitchen area of the proposal would not contain any windows. The Council are critical that this space would not be provided with adequate natural light. This space however would be served by a lightwell to the centre of the building. Furthermore, the provision of glazing to the rear of the property would assist in providing light to this area.

Outlook

18. It follows that the kitchen would be void of any significant outlook. Kitchen spaces are habitable rooms and therefore, the proposal would fail in this regard. However, one must also be mindful about how the wider proposed space would likely to be used.
19. The rear of the proposed building would host a rear dining space. This space would have clear views into the rear garden due to the provision of a large, glazed ground floor door and window. It is highly likely that the future occupants of the proposed development would make their food within the kitchen, and consume it in the dining area to the rear of the property. As such, whilst the absence of a window in the kitchen is not optimal for the living conditions of the future occupants, the overall harm would be limited when the likely use of this space is taken into account.

Summary

20. In summary, the proposed development would not result in unacceptable living conditions for future occupants in terms of outlook, natural light and the provision of internal storage space. As such, it would comply with Policies 53 and 56 of the WFLP in this regard.
21. While Policy 56 of the WFLP does not specify minimum internal space standards for a one-bedroom, two-person dwelling arranged over three floors, the proposed development would nonetheless result in a poor living arrangement when all material considerations are taken into account. Consequently, the proposal would conflict with Policy 53 of the WFLP, which requires development to be well designed. Furthermore, it would be contrary to Paragraph 135(f) of the National Planning Policy Framework (the Framework) and Policy D6 of the London Plan 2021, which emphasises the need for developments to provide a high standard of amenity for its future users.

Crime

22. The Council has raised concerns about the implications of the scheme upon crime and security. Notably, that there would be no natural surveillance from the property to Lincoln Street and that the proposed development would allow an individual to be concealed by the proposed development.
23. The proposed front elevation would host four windows. From the first and second floor, the future occupants of the proposal would be able to view from the windows which serve these floors onto Lincoln Street from multiple windows and positions. Although the proposal would include a bin and bike store to the front, the future occupants of the development would be able to see into this area of the appeal site from the glazing provided to the first and ground floor. As such, I find that the proposal would provide adequate surveillance from the property to Lincoln Street.

24. However, despite the provision of natural surveillance from upper floor windows, the proposed entrance to the dwelling would be obscured when viewed from Lincoln Street. Positioned behind the bin and bicycle store and recessed below street level, its visibility from the public realm would be significantly limited. While the appellant contends, and I concur, that future occupants would overlook this area, the concealed nature of the entrance would create an opportunity for individuals to conceal themselves, such as those seeking to evade the Police, given its limited visibility from the highway.
25. It is further contended that the existing garage on the appeal site is not wind or watertight, and may allow unauthorised access to the property. Nonetheless, should security be an issue, alternative measures could be employed to address it. Crucially, the construction of a new dwelling is not the only, nor necessarily the most appropriate solution to mitigate such risks.
26. To conclude, the proposed development would conflict with Policies 53 and 58 of the WFLP. These policies seek to ensure the provision of a safe environment and to minimise the opportunity for criminal behaviour, a standard which the proposal fails to meet.

Construction logistics

27. Policy 65 of the WFLP aims to minimise the impact of construction logistics on the road network. Development proposals likely to generate such impacts must be supported by an outline Construction Logistics Plan (CLP). This plan should identify delivery and collection management strategies, serve as a monitoring tool, and be reviewed and updated as necessary. Importantly, a CLP is required prior to the commencement of development.
28. The application was accompanied by an outline CLP. However, the Council considers that the submitted CLP lacks sufficient site-specific detail. Upon review, I note several key deficiencies, including the absence of a dated construction programme, no contact details for a designated Construction Logistics Manager, and no detailed routing plan for construction vehicles. These omissions, among others, undermine the effectiveness of the CLP in addressing the requirements of Policy 65 of the WFLP.
29. However, I am cognisant that such information may not be available at this time and as such, the ability to accurately record this information is difficult. The appellant has suggested that the use of a planning condition could have requested the full details of a CLP. In my review of Policy 65 of the WFLP, it notes that a CLP will be required prior to the commencement of development.
30. Therefore, I am satisfied that, subject to the imposition of an appropriately worded planning condition which requires the submission of a CLP prior to the commencement of development, the proposed development would not conflict with Policy 65 of the WFLP. The requirements of this policy have been previously outlined and can be met through the submission and approval of a detailed CLP prior to the commencement of development.

Flood risk and drainage

31. Policy 91 Point D of the WFLP notes that development proposals should incorporate Sustainable Drainage Systems (SuDS), unless there is clear evidence that this would be inappropriate.
32. The application was supported by a Drainage Strategy & SuDS Appraisal. The Council noted that the strategy should include manufacturer specifications, discharge hydrographs, and clearly indicate the connection type on the proposed drainage general arrangement drawing. The Council concluded that SuDS measures could be appropriately secured through a planning condition, a position also endorsed by the appellant.
33. To conclude, based on the information provided and my assessment of Policy 91 of the WFLP, I find no compelling reason why these SuDS elements could not be secured prior to the commencement of development. Therefore, I find subject to the imposition of a suitably worded planning condition, the proposed development would not be in conflict with Policy 91 of the WFLP.

Planning obligation

34. One of the reasons for refusal cited by the Council related to the absence of a completed Section 106 agreement for seven distinct planning obligations. However, the appeal is accompanied by a signed Unilateral Undertaking (UU), which makes provision for two key matters: a financial contribution towards the Epping Forest Special Area of Conservation (SAC) and a commitment to a car-free development. During the appeal, I sought clarification from the Council regarding the UU and its implications for the obligations originally referenced in the reason for refusal given. The Council has since confirmed that, in light of recent appeal decisions, it does not intend to pursue the other Section 106 points of refusal.
35. Accordingly, I have therefore focused my assessment to car free housing and the SAC. Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the Framework set out that obligations must only be sought where they meet all of the relevant tests. I have determined whether a planning obligation is necessary, whether the contributions requested by the Council meet all of these tests and if the UU would meet the relevant policy requirements. Policy 94 of the WFLP allows for contributions to be made by a developer to ensure that new development meets the reasonable costs of providing the on and off-site infrastructure requirements.

Recreational pressure

36. The Council's officer report states that the proposal would result in increased visits (recreational pressure) to the SAC. The evidence from the Council explains that in order to ensure the recreational pressure effects of the proposal, the appellant should contribute towards a package of costed Strategic Access Management Measures (SAMM). This SAMM has been prepared by the City of London Conservators of Epping Forest and requires a payment of £650 per dwelling from all new residential schemes.
37. Had I been minded to allow the appeal, I would have undertaken an appropriate assessment (AA) of the effect of the proposed development on the integrity of the SAC. However, as the proposal is unacceptable for other reasons, I have not as

doing so would not change the outcome of the appeal. As such, undertaking an AA is not necessary in this case.

Car free housing

38. New development such as that proposed in this appeal can contribute to parking stress and traffic congestion. Policy 60 Point I of the WFLP notes that development proposals will be supported where they deliver car-free development to reduce car dominance in terms of congestion and deliver excessive parking on the street.
39. The UU would restrict the owner of the property from being able to make an application for a parking permit, or to permit any occupant to make such an application to enter into a contract to park a vehicles in any car park controlled by the Council, unless they are in possession of a disabled persons badge. Furthermore, all material used for the marketing of the property must notify prospective owners and occupiers that they will not be entitled to apply for a parking permit.

Summary

40. Having weighed the foregoing considerations together, I conclude that imposing a car-free obligation is proportionate, necessary, and directly related in scale and kind to the proposed development. For the reasons given above, this obligation would ensure that this development would be car free and would restrict its occupants from being able to park a car in a car park controlled by the Council. It would thereby satisfy Regulation 122 of the Community Infrastructure Levy Regulations 2010, the National Planning Policy Framework and the requirements of Policies 60 and 94 of the WFLP.

Planning Balance and Conclusion

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework indicates that a decision should be taken in accordance with the development plan.
42. I acknowledge that the proposed development would provide one additional, one bedroom unit to the supply of housing. In an era of a national housing shortages, every home matters. This unit would provide a small, but nonetheless important contribution to the supply of housing. This matter attracts moderate weight in my decision. The absence of conflict in relation to other planning matters is an absence of harm.
43. However, in my overall consideration of the scheme, this benefit is modest. It does not outweigh the harm I have found above in relation to character and appearance, living conditions and crime. There are no material considerations of such weight or significance before me as to justify a decision otherwise than in accordance with the development plan.
44. For the reasons given above, the appeal should be dismissed.

J Smith

INSPECTOR