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## Appeal Decision

Site visit made on 21 May 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

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**Appeal Ref: APP/U5930/W/25/3360586**

**224 Sinclair Road, Chingford, Waltham Forest E4 8PT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
  - The appeal is made by Mrs Jin Hua Huang against the decision of the Council of the London Borough of Waltham Forest.
  - The application Ref is 241891.
  - The development proposed is 'Demolition of existing dwelling house and construction of 2 storey house with part converted loft space with dormers also associated soft and hard landscaping, car parking space, bicycle, refuse and recycle storage.'
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### Decision

1. The appeal is allowed and planning permission is granted for 'Demolition of existing dwelling house and construction of 2 storey house with part converted loft space with dormers also associated soft and hard landscaping, car parking space, bicycle, refuse and recycle storage' at 224 Sinclair Road, Chingford, Waltham Forest E4 8PT in accordance with the terms of the application, Ref 241891, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The appellant has provided a set of amended drawings, which include a front gable feature above both sets of bay windows. However, the note which accompanied the amended drawings stated that they were 'for information', and thus it is unclear whether the appellant wishes me to consider them. Notwithstanding this, the Council made their decision based on the original drawings. Furthermore, as the amended bay windows would be on the front elevation, this would represent a material change to the proposal and I have no evidence before me to demonstrate that the Council have sent the amended drawings for consultation. Moreover, the role of the appeal system is not to evolve development proposal. For these reasons, I shall assess the scheme based on the original drawings.

### Main Issues

3. The main issues are the effect of the proposal on:
  - the character and appearance of the area;
  - the living conditions of the occupiers of 222 Sinclair Road (No 222); and
  - the provision of infrastructure in the area.

## Reasons

### *Character and appearance*

4. The dwellings in this part of Sinclair Road are mostly two-storey with a few bungalows, and of a range of housing types and sizes. There is a mix of roof types in the street, including gabled, hipped and flat roofs, and there is also some variety in roof pitch. This includes the adjacent property at 226 Sinclair Road where the rear roof slope appears to have a shallower pitch than the front roof slope. The dwellings are largely characterised by bay windows, which have either flat roofs or front gables above them. There is also a variety of materials in the street, including render, red brick, and buff-coloured brick at the property on the corner of Sinclair Road and Hall Lane.
5. The proposed dwelling would be two-storey and would have bay windows in keeping with the surrounding houses. Whilst the roof pitch may be less than other houses with pitched roofs in the vicinity, the proposed roof form would be unduly detrimental to the area as a result of the range of roof types and roof pitches in the street.
6. The proposed rear dormers would be set away from the side elevation and below the ridge line. Although they may be partly visible from the street and despite their depth, they would not be unduly prominent in the street scene. The proposed single-storey flat-roof rear projection would not be visible from the street which, together with its scale, would ensure it is not out of place on the proposed dwelling.
7. The positions of the proposed gazebo, greenhouse and shed are shown on the submitted landscape plan (Sheet 20, dated June 2024), and the design and access statement includes a photograph of a similar gazebo to the one proposed. However, only the depth and length of the shed are provided. The height and design of the shed are unknown, and no precise dimensions or design of the gazebo or greenhouse have been provided.
8. Notwithstanding this, as these elements would be situated towards the back of the rear garden, they would not have any noticeable effect on the character and appearance of the area. Moreover, the Council has suggested a condition which would require the submission and approval of details of the hard landscaping, in the event that this appeal is allowed. This condition would allow the Council to fully assess the scale and design of the gazebo, greenhouse and shed.
9. Overall, the design, scale, massing and materials of the proposed dwelling would not cause harm to the character and mixed appearance of properties in the area. The proposal would therefore accord with Policy 53 of the Waltham Forest Local Plan Part 1 2020-2035 (2024) (WFLP) and Policies D1 and D4 of the London Plan (2021) (LP). These all require, amongst other things, for development to be of high-quality design which responds appropriately to its context.
10. The reason for refusal and the officer's report both cite a conflict with WFLP Policy 8, however this policy relates to the intensification of development. As the proposal would replace one dwelling with another, there would be no significant intensification of development and as such Policy 8 has no bearing in this case.

### *Living conditions*

11. The proposed gazebo, greenhouse and shed would be erected towards the rear of the garden area, and behind the appeal site is a parking area. The gazebo would be situated close to the centre of the lawn away from the boundaries. Although the greenhouse and shed would be located in close proximity to the boundary with No 222, they would be adjacent to only a small section of the boundary and would be next to the part of the garden which is furthest from the house at No 222. Although some details regarding design and height are missing, the condition requiring the submission an approval of these details would ensure that these elements would not have any significant effect on the users of the rear garden at No 222.
12. The officer's report states that a proposed first-floor balcony area would cause harm to the living conditions of the occupiers of No 222 through a loss of privacy, although this has not been included in the reasons for refusal. However, the submitted drawings do not show a proposed balcony area. Furthermore, the first-floor rear windows would have Juliet balcony railings which would prevent access to the flat roof area. Consequently, there would be no loss of privacy for the occupiers of No 222 through a balcony area.
13. For these reasons, the proposed gazebo, greenhouse and shed would not cause harm to the living conditions of the occupiers at No 222. They would therefore comply with WFLP Policy 57, which requires developments to respect the living conditions of neighbours, including by avoiding harmful impacts from overlooking and the loss of privacy.

### *Infrastructure*

14. WFLP Policy 94 states that planning contributions should be sought when necessary to make a particular development acceptable in planning terms. LP Policy T4 requires mitigation, including financial contributions, to be provided to address any adverse transport impacts that are identified.
15. The appeal site is located on a residential street which serves a large number of houses, and the road would be used by a considerable number of cars and other vehicles. No substantive evidence is before me which demonstrates that the construction works and any associated vehicle movements for a development of a limited scale could result in any material damage to the highway. I am therefore not persuaded that a planning agreement is required to secure a highway condition survey to be carried out pre and post construction.
16. Given the limited scale of the development, I am also not persuaded that a monitoring fee for a Construction Logistics Plan is justified in this case. As an agreement under section 106 of the Act would not be necessary to make the development acceptable in planning terms, it would furthermore not be necessary or reasonable to secure the payment of the Council's legal fees for the preparation and completion of the agreement or a monitoring fee to ensure compliance with the agreement.
17. The proposal would therefore accord with WFLP Policy 94 and LP Policy T4, even in the absence of the suggested financial contribution.
18. The reason for refusal also refers to WFLP Policies 60 (promoting sustainable transport), 61 (active travel), 62 (public transport) and 81 (Epping Forest and the

Epping Forest Special Area of Conservation), as well as LP Policies T1 (strategic approach to transport), T2 (healthy streets) and T3 (transport capacity, connectivity and safeguarding). However, the Council has not raised any objections in these regards, and I have no reason to disagree. Furthermore, these policies do not expressly require a planning agreement or contribution for the matters raised above. As such there would be no conflict with these policies.

### **Other Matters**

19. The appeal site is within a Zone of Influence of the Epping Forest Special Area of Conservation. However, as the proposal would see one dwelling replaced with another and no increase in the total number of dwellings on the site, it is unlikely that there would be a Likely Significant Effect. As such, neither an Appropriate Assessment nor a Strategic Access Management Measures contribution would be required.

### **Conditions**

20. The Council has suggested a series of conditions, which I have considered against the National Planning Policy Framework and Planning Practice Guidance. In some cases, I have edited the suggested condition for clarity and enforceability.
21. A condition specifying the approved plans is necessary for certainty and enforcement. Conditions are also necessary to require details of the external materials of the dwelling, hard landscaping, refuse storage and boundary treatments, in the interests of the character and appearance of the area and the living conditions of neighbouring residents. To prevent any overlooking of neighbouring properties, a condition requiring the second-floor side window facing No 222 to be obscure-glazed is necessary.
22. A condition requiring details of a suitable drainage system is necessary, in order to prevent the risk of flooding. A condition that relates to water usage at the proposed dwelling is necessary to manage future water resource needs, waste-water treatment and drainage infrastructure. In the interests of sustainability, a condition regarding carbon dioxide emissions is necessary.
23. Details of the proposed soft landscaping are included on the submitted landscape plan (drawing no. 20). The Council did not object to the soft landscaping but stated that a condition would be required to ensure that the soft landscaping meets biodiversity objectives. However, the proposal would be subject to the biodiversity gain condition set out under Schedule 7A (Biodiversity Gain in England) of the Act. A separate condition requiring details of the soft landscaping for biodiversity reasons would therefore not be necessary.
24. The landscape plan does not show the retention of any of the existing trees and as such, together with the limited scale of the development, notwithstanding the above separate requirement for biodiversity net gain, I am not persuaded that a condition requiring a tree survey and an arboricultural impact assessment of all nearby trees adjacent to the site that are situated on and/or around the site boundary is reasonable or necessary.
25. A detailed Construction Logistics Plan (CLP) has not been submitted. However, given the limited scale of the development and the details included in the outline CLP, I am not persuaded that a condition requiring a detailed CLP is necessary in

this case. The submitted CLP shall be included in the list of approved documents to ensure that the development is carried out in accordance with the CLP.

**Conclusion**

26. For the reasons given above the appeal is allowed and planning permission granted subject to the conditions in the attached schedule.

*D Ellis*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the location plan for 224, Sinclair Road, Chingford, E4 8PT dated 11/02/2019, the Construction Logistics Plan, and drawing nos 4, 5, 6, 7, 13 and 20.
- 3) No development above slab level shall take place until details / samples of all external facing materials have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development above slab level shall take place until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include hard surfacing materials and structures, including the gazebo, greenhouse, shed, and for refuse storage. The landscaping works shall be carried out in accordance with the approved details before the dwelling is occupied.
- 5) No development above slab level shall take place until details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before the dwelling is occupied.
- 6) No development above slab level shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the dwelling is occupied.
- 7) The development hereby permitted shall not be occupied until the second-floor side window has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 8) The development hereby permitted shall not be occupied until a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person per day has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved scheme and thereafter retained as such.
- 9) The development hereby permitted shall not be occupied until a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2021 Building Regulations has been submitted to and approved in writing by the local planning authority. The energy efficiency measures shall be retained thereafter.

### **End of Schedule**