



Appeal Decision

Site visit made on 5 September 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/U5930/W/25/3366690

12 Helena Road, Waltham Forest, Walthamstow E17 7PY

- 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 Ozair Dadabhoy against the decision of the Council of the London Borough of Waltham Forest.
 - The application reference is 242546.
 - The development proposed is described as: Demolition of existing garage and subdivision of site to facilitate construction of one two storey dwellinghouse (1x1-bed) (Use Class C3).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 12 Helena Road with specific regard to outlook and external living space, 10 Helena Road and 14 Helena Road with specific regard to outlook, and future occupiers with specific regard to internal living space; and
 - whether the proposal would adequately promote sustainable modes of transport.

Reasons

Character and appearance

3. The appeal site forms a terraced property fronting Helena Road with a small rear garden and an outbuilding that adjoins Edinburgh Road. The outbuilding adjoins a terrace of dwellings along this section of Edinburgh Road which is bookended by single storey outbuildings. Whilst there is no unifying architectural style along the wider Edinburgh Road, the dwellings forming the terrace are similar in their architecture and relationship to the highway with their front elevations parallel with the road. This relationship reflects that of the terrace opposite giving the street scene a pleasing rhythm.
4. The appeal property forms a narrow plot with limited separation between the rear elevation of the appeal property and outbuilding. The single storey nature of the outbuilding reduces the presence of the built form at the appeal site, creating a visual openness when viewed from Edinburgh Road.

5. The proposed two-storey dwelling would replace the existing outbuilding. Whilst the proposed dwelling is of a similar architecture and materials to that of the neighbouring terrace, the front elevation would be at an angle to the highway. This results in an awkward relationship with the terrace, including a gap between the roof of the proposal and that of the neighbouring building. The proposal would therefore disrupt the existing uniform relationship of the terrace to the highway and its contribution to the street scene. Further, the two-storey scale of the development combined with the projection of the built form further towards the rear of the appeal property reduces the openness above single-storey level creating a cramped plot.
6. The existing terrace, including No 7 Edinburgh Road, backs onto properties along Helena Road. Due to their wider plots and tapered nature of the street there appears a greater spatial separation between these properties than the proposed dwelling and 12 Helena Road. As such, the character of the appeal site is somewhat different than that of other nearby sites. While there is an existing building on the appeal site, the proposal would change the size and nature of the built development here, thereby harming the character of the street scene.
7. For the above reasons the proposal would have an unacceptable effect on the character and appearance of the area. It would therefore conflict with the relevant provisions of Policies 5, 19, and 53 of the Waltham Forest Local Plan Part 1 (2024) (the Local Plan). When read together these policies require development to reinforce local character and respond appropriately to their context.

Living conditions

8. The rear elevations of 10 Helena Road (No 10), 12 Helena Road (No 12) and 14 Helena Road (No 14) face Edinburgh Road which the appeal site adjoins. The majority of the two-storey dwellings along this section of Edinburgh Road share a close relationship with, and back on to those along Helena Road, thus limiting the outlook of occupiers of these properties to the rear. The appeal site comprises a small rear garden with a fence between it and the single storey outbuilding, providing the upper floor openings and rear garden areas of No's 10, 12, and 14 with an open outlook in this direction benefiting occupiers particularly given the otherwise constrained nature to the rear of these buildings.
9. The proposed two-storey dwelling would project beyond the existing rear elevation and further to the rear of the existing outbuilding occupying the entire width of the appeal site. The proximity at two-storey level to the rear elevations of No 10, 12, and 14 would result in the proposal dominating views from these occupiers from their rear openings and garden areas. Whilst the outlook to the rear of these dwellings is limited given the presence of dwellings along Edinburgh Road, this places more emphasis on the open nature of the appeal site and its importance to the outlook of the occupiers of No 10, 12, and 14. As such, the proposal would have an unacceptable effect on the outlook of the occupiers of No 10, 12, and 14.
10. The proposal would include a small section of rear garden which would further reduce the already limited rear garden area of No 12 and introduce a boundary treatment close to its rear elevation, reducing outlook from the ground floor rear openings and garden area. Further, No 12 is a modest two-storey dwelling with a loft conversion further increasing its internal floor area. The evidence indicates that the proposed external living area of No 12 would be well below the 50sqm required

by Policy 56 of the Local Plan. The minor size of the proposed external living area of No 12 would therefore be insufficient for its occupiers and have an unacceptable effect on their living conditions. Whilst the depth of the garden of No 10 may be similar to that of the proposal, the plans indicate that the garden on No 10 is wider and therefore possesses a larger external living area. As such, the characteristics of No 10 differ from that of the appeal site.

11. Whilst the occupiers of No 12 could erect a fence without the requirement of planning permission, it would not necessarily remain there in perpetuity and could be removed by subsequent owners. In contrast the appeal proposal would represent a permanent feature.
12. Policy D6 of the London Plan – The Spatial Development Strategy for Greater London (2021) (London Plan) says that housing development should be of high quality design and provide adequately-sized rooms. The supporting text requires the minimum floor to ceiling height of new dwellings to be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling. The explanatory text says that this is to address the impacts of the urban heat island effect and the fact that the majority of housing developments in London are made up of flats. The proposal would achieve an internal ceiling height of 2.3m at ground floor level. Given the proposal is not a flat and the ground floor ceiling height is only modestly below the 2.5m target, in this instance it is considered acceptable. As such, whilst it would not comply with the supporting text, it would provide adequate sized rooms and therefore comply with the aforementioned part of Policy D6 of the London Plan.
13. The appellant has drawn my attention to approval 090852 for demolition of garage and erection of 1 x 1 bedroom dwelling along Edinburgh Road. I am unaware of the full circumstances of that scheme but, in any case, it does not justify the harm identified above.
14. For the above reasons, the proposal would have an unacceptable effect on the living conditions of the occupiers of No 12 with regard to outlook and external living space, and No's 10 and 14 with regard to outlook. It would therefore conflict with the relevant provisions Policies 56 and 57 of the Local Plan which require new development to avoid harmful impacts to outlook, and to provide an acceptable standard of private external living space.

Sustainable transport

15. The application site is within a controlled parking zone (CPZ), which is indicative of a level of parking stress within the area. I also noted on my site visit there were low levels of off-street parking along this section of Edinburgh Road.
16. Whilst the appeal site has good public transport accessibility levels, future occupiers may still have the option of utilising private cars for day-to-day transport, this would potentially exacerbate the level of parking stress in the area and contribute to further carbon emissions.
17. Policy 66 of the Local Plan requires proposals for new residential developments within CPZs, regardless of scale, to be accompanied by a car-free legal agreement, restricting new residents from accessing parking permits. Therefore, a planning obligation would be required to prevent the proposed dwellings from being occupied by individuals that hold a parking permit.

18. In the absence of a completed planning obligation to secure the development as car free, there is no mechanism for securing the required restriction. Therefore, the proposal fails to comply with the requirements of Policy 66 of the Local Plan which requires that new residential development to be car free.
19. I note the appellant contends that the Council did not make them aware of the requirement of such a legal agreement until late in the application process. Nonetheless, the requirement for such an agreement is explicit within the aforementioned policy and this does not justify the absence of such an agreement.
20. The Council contend that the lack of enclosure of the proposed bike rack would not provide users with confidence that the bicycle would be securely stored and would be more likely to attract criminal behaviour reducing the likelihood of the bike racks being utilised. However, were I minded to allow the appeal, an appropriate enclosure for the cycle rack could be secured through condition that would prevent any stored bicycles from being on display, reducing the potential for criminal behaviour and allowing the bike racks to be utilised.
21. For the above reasons, the proposal would not adequately promote sustainable modes of transport. As such, it would conflict with the relevant provisions of Policy 66 of the Local Plan which requires a car-free agreement within legal agreements restricting new residents from accessing parking permits within existing Controlled Parking Zones.

Other Matters

22. The application was partly refused on the basis that the appellant failed to provide sufficient information to satisfy the Council that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation. Had I found the appeal scheme to be acceptable in all other regards it would have been necessary for me to examine this matter in further detail. However, as I am dismissing the appeal for other reasons, no further consideration is required.
23. The appellant contends that the outbuilding has been used as a dwelling since 2004. Nonetheless, little evidence to substantiate this has been presented to me and I am not aware of any formal, written confirmation that its use as a separate residence is lawful. Further, the description of development indicates the proposal is for the demolition of an existing garage and the red line boundary encompasses No 12. Therefore, on the evidence before me I consider the appeal site to form land associated with No 12 and I have determined the appeal on this basis.
24. Whilst there may have been no third-party objections to the appeal development, this does not justify the above identified harm.
25. The appellant contends that the Council did not adequately engage with them throughout the planning application process, including the supply of third-party comments. However, this does not alter my view that the proposal would be harmful.
26. The proposal would add a single sustainable home to the Council's existing housing stock. Nonetheless, given the small scale of the proposal this benefit carries limited weight and would not outweigh the above identified harm.

Conclusion

27. For the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR