
Appeal Decision

Site visit made on 28 October 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 December 2025

Appeal Ref: APP/U5930/W/25/3371992

Garage Adjacent to 73 Lawrence Avenue, London E17 5PG

- 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 Ms Elaine Stewart-Walker against the decision of Waltham Forest London Borough Council.
 - The application ref. is 251164.
 - The development proposed is derelict state to be proposed into a 1 bedroom, 2 person dwelling with a hipped roof and skylights.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Had I been minded to allow the appeal, then I would have imposed conditions to require the submission of further details of facilities for the storage, collection and disposal of refuse to comply with Policies 57 and 93 of Waltham Forest's Local Plan Part 1 (2024) (WFLP1), a further Construction Logistic Plan, a highway condition survey and the carrying out of works to make good the footway to comply with WFLP1 Policies 61 and 65 and Policies T3, T4 and T7 of the London Plan (2021) (LP), and details of how the carbon dioxide reduction target would be met to comply with ...
3. I have insufficient evidence in terms of policies or calculations to be sure that the contributions sought by the Council towards CLP monitoring and sustainable transport would meet the legal tests for a planning obligation.
4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide an adequate standard of living conditions for its future occupiers with particular regard to privacy, outlook, external amenity space and daylight; and
 - biodiversity and green infrastructure, including the integrity of the Epping Forest Special Area of Conservation (SAC).

Reasons

Character and appearance

5. The site was formerly three flat-roofed brick garages and their concrete driveways. It is open to the street with low brick walls to gardens either side, one of which is

part of a wedge-shaped corner plot. The garages are partially demolished with only the rear and outermost side walls remaining.

6. The area is residential, comprising two-storey houses with hipped roofs, semi-detached or in terraces laid out to a regular pattern within large gardens containing hedgerows and trees. Incidental open spaces at corners and within crescents further contribute to a verdant, spacious feel overall.
7. The proposal would result in a single storey detached bungalow with hipped roof immediately adjoining the boundaries with neighbouring gardens and close to the back of the footway, leaving only a narrow front forecourt area containing bin and cycle stores with no boundary treatment.
8. The nearest similar building is two streets away at 2 McEntee Avenue on land formerly part of rear gardens. That site is nearer to shops and terraces of houses that front more closely to footways, is not visible from the appeal site and has a visual context that is distinct from it. The unusual scale, format, set-back and separation of the proposal, together with the lack of soft landscape would be at odds with the surrounding area and harm its character and appearance.
9. This would be contrary to WFLP1 Policy 53 and LP Policies D1 and D4, which require local character to be assessed and proposals to demonstrate they will reinforce or enhance it. I attach significant weight to this policy conflict.

Green infrastructure and biodiversity

10. Three trees and three groups of scrub and saplings are located adjacent to the appeal site in gardens either side of it. A survey reports that two of the trees are in fair health with 20-40 years' life expectancy. The other tree and the groups are in poor health with 10-20 years' life expectancy. The survey plan shows that the root protection zones (RPZs) of the two trees with fair health impinge, one slightly and the other considerably, on the proposed construction site.
11. The survey goes on to recommend measures for the protection of these trees. I would have imposed conditions requiring details of these had I been minded to allow the appeal. This would have enabled compliance with WFLP1 Policy 80, which requires proposals to take account of trees on adjoining land.
12. The site is sealed and contains less than 25sqm of habitat or 5m of hedgerow or tree line and the proposal would not impact priority habitat. Therefore, it is subject to the *de minimis* exemption from the Biodiversity Net Gain (BNG) duty. Whilst it remains subject to WFLP1 Policy 79, the baseline biodiversity is zero, and so the proposal complies with the minimum 10% BNG that it requires.
13. I find no conflict with LP Policies GG1 or G5, which are either not specific to urban greening or relate to major development only. As the proposal contains no green infrastructure and no analysis of what might be appropriate to the site, it fails to comply with LP Policy G1, which requires proposals to incorporate appropriate elements of green infrastructure. I attach significant weight to this policy conflict.
14. The appeal site is within the zone of influence of the Epping Forest SAC, where the impact on the SAC of recreational activity associated with new dwellings must be mitigated. Whilst a Habitat Regulations Assessment Screening and Appropriate Assessment Template has been completed, no means of mitigation is before me.

15. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 requires an Appropriate Assessment only where the competent authority is minded to permit a plan or project. Given my conclusions on other issues, I need not consider this matter any further. As it stands, the proposal would harm the integrity of the SAC, contrary to WFLP1 Policy 94, which requires proposals to mitigate their impact. I attach significant weight to this policy conflict.

Living conditions

16. The proposed internal space would be adequate in terms of floor areas and ceiling heights for living, storage and bedrooms in a one-bedroom, two-person, single-storey dwelling. Rooflights and obscure-glazed windows to all except the south-facing street elevation would admit adequate daylight and sunlight, whilst also maintaining privacy for neighbours' gardens. However, they would provide poor outlook, particularly to the living area furthest away from the street.
17. Furthermore, the proximity of the non-obscure windows to the street, at the same level as the street, would limit the privacy of occupiers near those windows. Whilst the lack of a boundary treatment to the street would exacerbate this, a wall or fence tall enough to provide privacy would also further reduce outlook. For similar reasons, the proposed forecourt would be unsuitable as amenity space. Whilst I note the proximity of parks and open spaces, this would be unacceptable.
18. Overall, whilst the proposal would provide adequate daylight, floor areas and ceiling heights, it would not provide adequate outlook, privacy or external amenity space, contrary to WFLP1 Policy 56 and LP Policies D4 and D6, which require useable external amenity space and qualitative design aspects to be addressed through analysis. I attach significant weight to these policy conflicts.

Other Matters

19. I note the support of a nearby resident for the proposal, referring to the size of the plot, separations to the nearest houses and the need to secure effective use of land. I also note the proposal would utilise previously developed land weighing in favour of the scheme. However, I have found harms in relation to character and appearance, green infrastructure, the integrity of the SAC, and the adequacy of living conditions that are not outweighed by these considerations.

Conclusion

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

S Simms

INSPECTOR