



Appeal Decision

Site visit made on 20 January 2026

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 February 2026

Appeal Ref: APP/U5930/W/25/3374755

596A High Road, Leytonstone, Waltham Forest E11 3DA

- 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 Khadijeh Ahmadi-Moghaddam against the decision of Waltham Forest London Borough Council.
 - The application Ref is 250252.
 - The development proposed is to convert existing single dwelling into three self-contained residential units, including 1no. studio flat, 2no. one-bedroom flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The consultation was accompanied by a Written Ministerial Statement. Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and therefore carry limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and I am satisfied that this has not prejudiced any party.

Main Issues

3. The main issues in this appeal are:
 - The effect on the housing mix in the Borough, with regard to the provision of family-sized homes;
 - Whether the proposal would provide a satisfactory standard of accommodation for future occupiers with regard to internal space;
 - The effect on the integrity of the Epping Forest Special Area of Conservation (SAC); and,
 - Whether the proposal would promote sustainable transport.

Reasons

4. 596A High Road is a maisonette occupying the first and second floors of the building. The existing floor plan shows that it has three bedrooms. It was previously in use as three self-contained flats, however, it has been confirmed that

this arrangement was unlawful. I therefore attach no weight to this previous use. The proposal is to convert the property providing a studio flat and two one-bedroom flats.

5. The conversion of homes into smaller self-contained homes will only be permitted where the proposed development complies with the criteria set out at part B of Policy 20 of the Waltham Forest Local Plan Part 1 2024 (the Local Plan). This includes providing at least one larger family-sized home of 74sqm (3 bed plus). This indicates a particular need for family-sized accommodation. The Council explain that this is in the interest of preventing the loss of larger units to smaller flats and protecting the Borough's housing stock.
6. The national need and stock figures cited by the appellant cannot be assumed to reflect Borough-level circumstances or the local housing context. The assertion that the Waltham Forest Strategic Housing Market Assessment 2019 (the SHMA) highlights a strong demand for one-bedroom affordable housing is not supported by any specific figures. Whilst the SHMA may forecast a decline in the proportion of families with younger children, this does not equate to a lack of need. Policy 20 demonstrates a recognised shortfall of family-sized homes, which is why they are expected to be provided in conversion developments.
7. No detailed explanation has been provided regarding why the families approached about moving into the property chose not to. It is recognised that the property is not a 'typical' family home, due to its lack of garden and accessibility. However, the property could be occupied by families where there are no young children. Even if I were to accept that the appellant has been advised by several local agents that seeking a family to move into the property would be difficult because of the layout, this does not necessarily mean the same outcome would arise if the property were reconfigured.
8. Meeting the Borough's overall housing targets is important, and it is accepted that the proposal would add to the mix of smaller housing available in the Borough, but this would be at the expense of a family-sized unit for which there is an identified need. Although population growth and affordability pressures in the Borough are noted, they reinforce the need to deliver a balanced housing stock. The arguments advanced by the appellant therefore do not provide sufficient justification for departing from the policy expectation.
9. Policy 15 of the Local Plan sets out the Council's preferred mix of dwelling sizes across tenures, but it also allows variations to the dwelling size mix where it can be fully justified. The Council states in their Delegated Report that this policy outlines that the Council will prioritise the need for larger homes in new developments. However, on reviewing the policy, I have been unable to find any specific reference to this.
10. In my view, Policy 15 sets an overall strategic preference for the housing mix; it is not a requirement for every development to meet these exact percentages. Furthermore, given that the proposal relates to the conversion of a single house, these percentages cannot be applied meaningfully. In this regard, I am unable to identify any conflict with Policy 15 of the Local Plan.
11. Whilst I have found that the proposal would not conflict with Policy 15 of the Local Plan, it would cause harm to the housing mix in the Borough through the loss of a

family-sized home. Accordingly, the proposal conflicts with Policy 20 of the Local Plan, the purpose of which has been set out above.

Standard of accommodation for future occupiers

12. Policy 56 of the Local Plan sets out that proposals for new homes are required to meet the prescribed minimum internal space standards, as set out in Table 14.2.
13. Flat 1 would be 8sqm below the minimum internal floor area requirement, which I do not consider to be a minor shortfall. Flat 3 would fall short of the expected minimum internal floor area by 4sqm. Whilst this shortfall is not as big, it is still below the standard. Subsequently, regardless of the individual size of the bedrooms, the overall size of these flats would be too small. The minimum internal space standards represent the lowest acceptable amount of space for a new home. Failure to meet these standards has implications for the overall space available for day-to-day living within each flat. High ceilings, windows and good levels of light and outlook would not compensate for inadequate floor area which would restrict storage, furniture placement and circulation within each flat because of a lack of space.
14. The appellant refers to Policy D6 of the London Plan (2021). However, this policy is also prescriptive, requiring housing developments to meet the minimum standards set out in Table 3.1, which align with the equivalent standards in Table 14.2 of the Local Plan. My attention has been drawn to two other appeal decisions where Inspectors accepted shortfalls in minimum standards, but very limited details have been provided. In both cases the Inspectors considered the shortfalls to be small, and I have not been advised of the extent of the shortfall. Nevertheless, I do not consider the shortfall in the appeal scheme to be small. These appeal decisions are therefore not directly comparable and are given very limited weight. In any event, each application must be judged on its own merits.
15. Even if the previous unlawful flats were inspected and licensed by the Council, licences are issued under a separate legislative framework and do not address the same considerations as planning. The absence of public objection also does not indicate that a proposal is acceptable and does not remove the need to ensure that the proposal is acceptable in planning terms.
16. For the above reasons, I conclude that the proposal would provide an unsatisfactory standard of accommodation for future occupiers with regard to internal space. Accordingly, the proposal conflicts with Policy 56 of the Local Plan, the purpose of which has been set out above.

Epping Forest SAC

17. The Council indicate that Waltham Forest falls within the 'Zone of Influence' (ZOI) for the Epping Forest SAC. It is protected under the Conservation of Habitats and Species Regulations 2017 (as amended), and as such, it is incumbent upon me as the competent authority to consider the likely significant effects of the proposed development, alone or in combination with other plans or projects, on the integrity of the SAC.
18. New residential development within the ZOI constitutes a likely significant effect on the sensitive interest features of the SAC due to increased recreational pressure, either when considered 'alone' or 'in combination' with other plans or schemes.

The Council has adopted the Strategic Access Management Measures Strategy (SAMMS) and requires a financial contribution per unit from all residential schemes.

19. Although the appellant has indicated a willingness to enter into a Unilateral Undertaking (UU) to provide the financial contribution, a UU has not been submitted with the appeal. As such, there is no mechanism before me to secure the required contribution. This also cannot be dealt with by planning condition as a positively-worded condition cannot be imposed to require the payment of money¹. I can therefore only conclude that it has not been demonstrated that the proposal would not have an adverse effect on the integrity of the Epping Forest SAC. Accordingly, the proposal would conflict with Policy 81 of the Local Plan, which amongst other things, requires all new residential development comprising 1 or more new homes within the ZOI of the Epping Forest SAC to contribute to the delivery of the SAMMS and demonstrate that the development will not generate adverse recreational pressure on the SAC.

Sustainable transport

20. Part K of Policy 66 of the Local Plan sets out that a car-free agreement within legal agreements will be required, restricting new residents from accessing parking permits within existing Controlled Parking Zones (CPZs).
21. The appeal site is located within a CPZ. It is also in a highly accessible location and is close to shops and services. Future occupiers may therefore not be dependent on private cars for day-to-day transport. However, they might want to own or park a vehicle for those journeys that are not practical on public transport. This would exacerbate the level of parking stress in the area and encourage travel by private car. Although previous occupants may not have owned a car, this does not mean that future occupiers would not. The appropriate mechanism to secure a car-free development would be through entering into a planning obligation to restrict future occupiers' eligibility to apply for a parking permit.
22. The appellant has confirmed they are willing to enter into a UU to secure the proposal as a car-free development, however, a UU has not been submitted with the appeal. Having regard to the Planning Practice Guidance², I have not identified any exceptional circumstances that would justify the use of negatively worded conditions requiring a planning obligation or other agreement to be entered into as an alternative to a planning obligation. This matter can therefore not be resolved by planning condition.
23. In the absence of a suitable mechanism to ensure that the proposal would be a car-free development, it has not been demonstrated that the proposal promotes sustainable transport. Accordingly, the proposal therefore conflicts with Policies 60 and 66 of the Local Plan. These policies, amongst other things, require development proposals to encourage and promote sustainable transport and support sustainable transport initiatives that reduce car ownership.

Planning Balance

24. The proposal would cause harm to the housing mix in the Borough through the loss of a family-sized home and would provide an unsatisfactory standard of

¹ Paragraph: 005 Reference ID: 21a-005-20190723

² Paragraph: 010 Reference ID: 21a-010-20190723

accommodation for future occupiers with regard to internal space. Furthermore, without mitigation secured at the time of decision-making, the proposal would harm the integrity of the Epping Forest SAC and would not promote sustainable transport. As such, it conflicts with Policies 20, 56, 60, 66 and 81 of the Local Plan. The proposal therefore conflicts with the development plan as a whole. I apportion significant weight to this conflict and the associated harm.

25. The proposal would re-use a brownfield site and would be supported by paragraph 161 of the Framework which encourages the reuse of existing resources. It would provide a net increase of two residential units in an accessible location which would make a small contribution to the Council's housing supply. However, the extent of this benefit is limited by the quantum of development under consideration.
26. The Council raised no objections to the proposal on grounds relating to daylight, outlook and ventilation. However, these are neutral considerations and would neither weigh in support nor against the proposal.
27. Taken together, the associated benefits would be limited and would not outweigh the harm I have identified including the conflict with the development plan.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

L Reid

INSPECTOR