



Appeal Decision

Site visit made on 28 October 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 February 2026

Appeal Ref: APP/U5930/W/25/3370904

112 Warren Road, Leyton, Waltham Forest E10 5QA

- 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 Ms Grabielle Sylvester against the decision of Council of the London Borough of Waltham Forest.
 - The application Ref is 242044.
 - The development proposed is single storey rear with conversion of property into 2 separate units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on biodiversity;
 - whether or not the proposed development would provide appropriate developer contributions, with particular regard to securing a contribution towards transport infrastructure;
 - whether or not the proposed development would be secured as a car-free development;
 - the effect of the proposal on the Epping Forest Special Area of Conservation (SAC);
 - whether or not the appeal site is suitable for the conversion into two dwellings, with particular regards to the supply of family housing;
 - the effect of the proposal on the public highway with particular regard to the suitability of the submitted Outline Construction Logistics Plan; and
 - whether or not the proposed development would provide adequate waste storage facilities.

Reasons

Biodiversity

3. The appeal proposal seeks to add a single-storey rear extension and converts the existing dwellinghouse into two flats. Even if the proposal would meet the *de minimis* exception for the statutory biodiversity gain condition under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended), this is

separate to the requirements of the development plan. Policy 79 of the Waltham Forest Local Plan Part 1 2020-2035 (WFLP) does not include a *de minimis* exception and requires development proposals to protect and enhance biodiversity and achieve a biodiversity net gain. Part D of Policy 79 states that this could be achieved by demonstrating a minimum 10% biodiversity net gain using the Defra Biodiversity Metric 2.0 (or subsequent version), even where development proposals do not result in biodiversity loss.

4. No landscaping plan or site-specific biodiversity information or analysis has been submitted, nor has any mechanism been provided to secure on- or off-site biodiversity gain. Accordingly, I conclude that the proposal would fail to protect and enhance biodiversity and achieve a biodiversity net gain. It therefore conflicts with WFLP Policy 79.

Developer contributions – transport infrastructure

5. The Council requires a developer contribution of £250 towards the monitoring of the Construction Logistics Plan, which I shall turn to later.
6. The Council also requires contributions of £1,000 towards more sustainable modes of travel; payment of the Council's legal fees; and a contribution of 5% of the total of all other financial contributions towards the implementation and monitoring of an agreement under section 106 of the Act (S106 agreement). The appellant does not dispute these contributions and acknowledges that a legal agreement has not been agreed or entered into.
7. The appellant suggests that a pre-commencement condition could be used to require the submission of a legal agreement, however neither the appellant nor the Council have suggested any wording for such a condition. In any case, the Planning Policy Guidance (PPG) explains that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. There are not the exceptional circumstances in this case, in accordance with the PPG which would justify such an approach.
8. Based on the evidence before me, the required contribution towards more sustainable modes of travel, and the associated contributions, is necessary and would not be secured. Consequently, it has not been demonstrated that the proposal would provide an adequate financial contribution for appropriate infrastructure provision or enhancements.
9. The proposal would therefore conflict with WFLP Policy 94, which seeks for development proposals to provide adequate contributions to transport infrastructure to meet the needs associated with the development, and for development proposals to secure a financial contribution to meet the reasonable costs of off-site provision of infrastructure provision or enhancements to support the development or offset its impact.

Car-free development

10. Part I of WFLP Policy 60 seeks to deliver car-free development to reduce car dominance in terms of congestion and excessive parking on the street. Part K of WFLP Policy 66 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) or ensuring future CPZs are in place before a development is occupied.

11. Given the content of WFLP Policies 60 and 66, the scheme is required to meet the car-free requirements of the development plan and that this should be secured via a legal agreement. Again, the PPG indicates that it would not be appropriate for this to be left to a negatively worded condition in any approval.
12. Since the proposal would not be secured as being car-free, parking permits could be obtained by prospective occupants. This could, in turn, result in an increase in demand for on-street parking contrary to WFLP Policies 60 and 66 which seek to reduce car dominance in terms of congestion and excessive parking on the street.

Epping Forest SAC

13. The appeal site is within the Zone of Influence of the SAC. This site is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations). WFLP Policy 81 seeks to protect such sites from harm and, where necessary, seeks mitigation against any adverse effect of development.
14. The proposed development would provide an additional unit of accommodation and therefore residents to the area. This has the potential to adversely impact these designated sites through increased recreational disturbance.
15. There remains a probability or risk that the proposed development, either alone or in combination with other plans or projects, could have a likely significant effect on the designated site, as the proposed development would be likely to add to existing recreational pressures.
16. With regard to recreational disturbance to the SAC, a Strategic Access Management Measures levy of £650 would be required through an S106 agreement. However, no such agreement has been agreed or entered into. Again, the PPG indicates that it would not be appropriate for this to be left to a negatively worded condition in any approval.
17. As a consequence, the required mitigation to address the likely harm to the SAC has not been secured. The proposal would therefore conflict with WFLP Policy 81, which seeks to ensure that development proposals contribute to the avoidance and mitigation of adverse recreational effects on the SAC. Accordingly, there would not be compliance with the Habitat Regulations.

Family housing

18. WFLP Policy 20 seeks to protect larger homes and sets out several criteria relating to the conversion of a larger home to smaller self-contained homes. Criterion A.(i) requires that, for conversion, the house has a gross original internal floor space of more than 124 square metres.
19. Although the current property exceeds 124 square metres, prior to being extended the property was smaller than this threshold. Whilst the existing dwelling has four bedrooms, this includes a bedroom as the result of a loft conversion, which appears to be a recent addition to the property. Having regard to the planning history of the property, it is possible that the original house had three bedrooms.

20. Criterion B.(i) of Policy 20 states that a larger family sized home would have three or more bedrooms. The proposal would see the existing dwelling converted into a three-bedroom flat and a two-bedroom flat. As such, even if the gross original internal floor space was less than 124 square metres, the conversion of the appeal property would not harm the supply of larger family housing and would not undermine the overarching aims of WFLP Policy 20.
21. The Council raises no objections with regards to the other criteria listed in WFLP Policy 20 and, based on the evidence before me, I have no reason to conclude otherwise. For these reasons, the appeal site would be a suitable location for a conversion into two dwellings and, consequently, I am satisfied that there would not be a serious or fundamental conflict with WFLP Policy 20. The proposal would accord with WFLP Policy 15, which seeks to provide a diverse range of housing and therefore, overall I am satisfied that the scheme would promote suitable housing whilst providing a family sized unit.

Public highway

22. 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 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 highway condition survey carried out pre and post construction would be required. Nevertheless, in the event that such a survey is necessary, this could be secured by a pre-commencement condition given the limited scale of the development. Furthermore, no new boundary walls are shown on the submitted drawings, so a condition requiring details of the materials and levels of paths and thresholds would not be necessary. I therefore find the submitted Outline Construction Logistics Plan (CLP) to be satisfactory.
23. Notwithstanding this, the Council states that a developer contribution of £250 is required for the monitoring of the CLP. The appellant does not dispute this contribution and acknowledges that a legal agreement has not been agreed or entered into. Nevertheless, given the limited scale of the proposed development, I am also not persuaded that a monitoring fee for the CLP would be fairly and reasonably related in scale and kind to the development so as to meet the requirements for obligations as set out in the Community Infrastructure Levy Regulations 2010.
24. For these reasons, I conclude that the proposal would accord with WFLP Policies 63 and 65 and Policy T7 of the London Plan (2021), insofar as they require the submission of a CLP to minimise the impact of construction logistics on the road network of new residential development.

Waste facilities

25. The proposal would see the waste bins located at the front of the property, which would be typical of the houses in Warren Road. Should bin storage facilities be necessary, then a condition could be used to require the submission and approval of such facilities. Given the reasonable size of the space at the front of the property, I have no reason to believe that suitable bin storage facilities could not be provided.

26. The proposal would therefore comply with WFLP Policies 53 and 97, insofar as they require development to provide sufficient and accessible facilities for the storage, collection and disposal of refuse and recycling.

Planning Balance and Conclusion

27. The scheme would not meet the requirements for biodiversity net gain, would not provide a suitable contribution to transport infrastructure, would not provide car-free housing and would not mitigate the effects on the Epping Forest SAC. These are significant issues and are such that the scheme would conflict with the development plan when considered as a whole. I attach the collective harm substantial weight.
28. The provision of one additional unit would make a small but worthwhile contribution to the existing housing supply, in a sustainable location making efficient use of the land. Economic benefits would also arise from the construction and occupation of the flats, although these would be limited by the scale of the scheme. For these reasons, I attach modest weight to these collective benefits and consequently the benefits would not outweigh the harms identified above. As such, the proposal would fail to comply with WFLP Policy 1, which seeks to provide sustainable development.
29. I conclude that the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

D Ellis

INSPECTOR