



Appeal Decision

Site visit made on 25 February 2026

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2026

Appeal Ref: APP/U5930/W/25/3375679

173 Grove Road, Waltham Forest, Walthamstow E17 9BZ

- 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 Manpreet Singh against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 251582.
 - The development proposed is the erection of a 1 x studio new build dwelling, facilitated by the demolition of the existing storage structure and associated subdivision of the site and landscaping alterations from the host dwelling, with associated cycle and refuse storage and some external alterations and demolitions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whether the proposed development would align with the greatest housing need within the Borough was not listed as a reason for refusal on the decision notice. However, it was identified as an issue within the officer report, with the Council finding conflict with Policy 15 of the Waltham Forest Local Plan Part 1 (2024) (the Local Plan). The Council confirmed that this matter should have been included on the decision notice. I have therefore considered it to be a main issue in this appeal. The appellant was given the opportunity to comment on the council's confirmation on this point, and I have had regard to any comments received as part of my determination of this appeal.
3. The appellant has submitted a Japanese Knotweed Report with their appeal in response to concerns raised by the Council. As the document does not seek to make any substantial difference or fundamental change to the development, and the Council has had the opportunity to review and comment on it, I am satisfied that accepting this document would not cause unlawful procedural unfairness to anyone involved in the appeal. The Council has confirmed that it is satisfied with the report's conclusions that there is no clear evidence of Japanese Knotweed growth within the site. I see no reason to come to a different conclusion on this matter and therefore shall consider it no further.
4. The appeal is also accompanied by a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) which seeks to secure various planning obligations to address the Council's fourth reason for refusal. I shall return to this matter later.

Main Issues

5. The main issues in this appeal are:

- the effect of the proposed development on the character and appearance of the area;
- whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to internal storage, privacy and external space;
- the effect of the proposed development on highway safety with particular regard to construction; and
- whether the proposed development would contribute towards the identified housing needs of the borough.

Reasons

Character and appearance

6. The appeal site relates to 173 Grove Road, a two-storey end of terrace property, and its rear garden which forms a corner plot with Salisbury Road. The rearmost part of the garden has been separated from No 173 and contains a single storey garage which is set back from and accessed via Salisbury Road. Due to its orientation and relationship with No 173, this specific part of the appeal site is read in the context of Salisbury Road.
7. Salisbury Road is predominately characterised by two-storey semi-detached, detached and terraced properties of a similar style and appearance. Despite some alterations, properties on this street have a relatively consistent and traditional appearance with a regular rhythm to their façades, two-storey roof scape and similar architectural features. While there are some local examples of single storey extensions and outbuildings, these are subservient forms of development which do not undermine the overall rhythm and cohesive appearance of development.
8. In contrast, the appeal scheme proposes a single storey dwelling with an asymmetric dual pitched roof and overall contemporary design. The dwelling would be constructed in materials to assimilate with surrounding developments and positioned to broadly respond to the surrounding building line. However, its clearly contrasting height, design and roof form would disrupt the rhythm of the street scene and result in an alien and incongruous form of development that would stand out as an obvious and stark anomaly in an otherwise relatively cohesive street scene. The effects of this would be heightened by the site's highly prominent position on the entrance to this street. The incorporation of boundary treatments and landscaping to the site frontage would do little to mitigate these effects.
9. Even though the new dwelling would be of a similar scale to the existing outbuilding, as this has a functional, simple appearance and set back positioning, it reads as a subservient building in the street scene. In contrast, the appeal scheme would result in a more prominent and distinctly separate form of development, sat closer to the highway, that would directly contrast with the height and style of surrounding developments. The dwelling would therefore fail to successfully integrate with its surroundings, adversely affecting the character and appearance of the area.
10. The appellant has referred to several examples that they consider set a precedent for the appeal scheme. However, I have very little information on the site-specific circumstances of each of these cases and therefore cannot be sure how comparable

they are to this appeal. Nevertheless, I note in some of the examples¹, designs appear to draw reference from other directly adjacent developments. In others², more discrete design solutions were used, resulting in a more recessive appearance than the appeal scheme before me. My attention has also been drawn to other examples of single storey dwellings in the vicinity. However, given their distance from the appeal site they are not read in the same context and are not directly comparable to this appeal. Furthermore, each scheme must be considered on its individual merits and the examples cited do not alter my conclusions above.

11. For the above reasons, I therefore conclude that the development would be harmful to the character and appearance of the area. This is contrary to Policies 19 and 53 of the Local Plan and Policy D4 of the London Plan (2021), as cited in the Officer Report. Together these policies, amongst other things, promote cohesive, high-quality design that achieves appropriate intensification on small sites and developments that reinforce and/or enhance local character and distinctiveness by responding to local context. Whilst the Officer Report identifies conflict with Policy D1 of the London Plan, as this does not directly relate to assessing development proposals, it is not determinative in my consideration of this main issue.

Living conditions

12. The appeal scheme is for a one-bed one-person studio. Both Policy 56 of the Local Plan and Policy D6 of the London Plan require a minimum of 1 square metre (sqm) built-in storage to be provided for units of this size. The plans show built-in storage would be provided in the hallway and bedroom which the appellant states amount to 1sqm in total. The Council concedes that the built-in wardrobe space was omitted from the figures cited in their officer report but contends that 0.36sqm should be deducted from wardrobes where they form storage space in accordance with the Nationally Described Space Standards (2015) (NDSS). On this basis the Council states that the internal built-in storage falls short of the policy requirements. I do not agree.
13. In relation to built-in wardrobes, I note that paragraph 10.h of the NDSS states that built-in areas in excess of 0.36sqm in a single bedroom can count towards built-in storage requirements. Neither party contends that the wardrobe space is less than 0.36sqm and therefore it can be counted as built-in storage for the purposes of the NDSS. However, regardless of this, the development plan requires a minimum of 1sqm built-in storage to be provided, which based on the evidence before me, would be met in this case. This would provide adequate internal storage space for future occupiers.
14. The bedroom area is proposed to be located at the front of the studio with a bay window set behind a front garden area, which would be enclosed by a low wall and hedgerow. This would provide sufficient defensible space between the bedroom window and preserve the privacy of future occupiers. Based on the proposed floor plans, I am not convinced that future occupiers would be solely reliant upon the bedroom areas for relaxation. Taking these factors together, the façade of the building is therefore unlikely to be dominated by drawn blinds/curtains, and the inclusion of a front window would provide an appropriate level of natural surveillance and interface with the public realm. This aligns with the overarching aim of section 5.9.2 of the Urban Design Supplementary Planning Document (2010) (UDSPD) and would ensure appropriate living conditions for future occupiers.

¹ For example, Garages Adjacent No 2a Eldon Road (Council Ref. 221663) and 42 Salisbury Road (Council Ref. 193404)

² 1 Newbury Road (Council Ref. 183556) and 69 Westward Road (Council Ref. 210321)

15. External space for the studio would comprise an enclosed 6sqm garden to the rear/side and 20sqm to the front of the building. Policy 56 of the Local Plan states that houses should be provided with a minimum of 50sqm of private external amenity space and one and two bed flats and maisonettes with less than 3 bedrooms should have a minimum of 10sqm of external amenity space, which should include some private outdoor space. Due to the scale of this single-storey one-bed studio, I consider it to be most akin to a one-bed flat. The overall external space proposed totals 26sqm, of which at least 6sqm would be private space to the rear/side of the property. This would be commensurate with the size of the unit it would serve and would comply with the requirements of the Local Plan. Accordingly, the scheme would afford future occupiers with an appropriate level of external amenity space.
16. For the above reasons, I therefore find that the development would provide acceptable living conditions for future occupants with particular regard to internal storage, privacy and external space. This accords with Policy 56 of the Local Plan, Policy D6 of the London Plan and the overarching aims and objectives of the London Plan Guidance – Housing Design Standards (2023) which collectively seek, amongst other things, to ensure appropriate residential space standards and housing quality.

Highway safety

17. Due to the carriageway width and on-street parking limiting passing opportunities on the surrounding highway network, the Highway Authority (HA) state an Outline Construction Logistics Plan (CLP) is necessary to appropriately manage construction activities. The application was supported by a CLP which details the appellant's initial intentions regarding access management, delivery timing, vehicle routing, pedestrian safety, environmental controls, and staff management during the development's construction phase. The appellant states that the CLP is based on the Council's template, as required by Policy 65 of the Local Plan, which is not disputed by the Council.
18. The HA confirm that the CLP demonstrates a reasonable awareness of site constraints but identify several omissions including a plan detailing the surrounding carriageway, a swept path analysis, a description of surrounding highway conditions, vehicle routing plans and descriptions of construction and delivery works. These omissions appear to relate to more detailed construction and delivery information. However, there is no substantive evidence before me which explains why such detailed information is required prior to planning approval in this case, rather than prior to the commencement of development as stipulated under Policy 65.
19. The Council states that the absence of a satisfactory CLP has prohibited it from fully assessing the highway safety implications of the development. However, undertaking an initial assessment of the potential highway safety impacts of construction activities is not predicated on the submission of a CLP, which is a construction management tool. Given the scale of the proposed development, the potential impact on the highway network during construction is likely to be relatively low in this case and would be for a finite period.
20. Neither the Council nor the HA have demonstrated why the site context is such that the potential impacts of construction activities at the appeal site would be incapable of being appropriately managed or sufficiently mitigated. Therefore, based on the evidence before me, I see no reason why the submission of an updated CLP prior to the commencement of development would be unsuitable in this case. This would

enable the HA to review the finalised CLP prior to any construction activities taking place and ensure that any potential highway safety implications of the development are appropriately managed.

21. For the above reasons, I therefore conclude that subject to a suitably worded condition, the development would not have an unacceptable effect on highway safety, with particular regard to construction. This complies with Policy 65 of the Local Plan and Policy T7 of the London Plan insofar as they seek to minimise the impact of construction logistics on the road network.

Housing need

22. Policy 15 of the Local Plan supports a diverse range of housing which provides a mix of 1-bed, 2-bed and 3 plus bed units of varying tenure types, taking account of the site location, area characteristics, design constraints and scheme viability. The policy's supporting text explains there is a need for a range of dwelling sizes and tenures based on the Strategic Housing Market Assessment (SHMA) and the borough's housing waiting list, which should be prioritised.
23. The Council states the most recent SHMA conducted in 2017 found that the greatest need was for 2-bed properties at 31%, followed by 28% for 3-bed properties, 27% for 1-beds and 12% for 4-beds. The appeal scheme proposes a one-bedroom studio. I have no substantive justification before me as to why a studio unit would not contribute towards meeting the identified need for one-bed units. Therefore, while not aligning with the greatest need identified in the SHMA, the appeal scheme would still meet an identified need for one-bed units. I therefore conclude that the development would contribute towards the identified housing needs of the borough. This complies with Policy 15 of the Local Plan which supports the provision of a diverse range of housing.

Other Matters

24. I note the scheme seeks to make an effective use of land by delivering a dwelling on a small site. This type of intensification plays an important role in meeting housing needs. However, while small-site intensification and design innovation is encouraged by local and national policies, such support is not unequivocal. Noting that these policies, and others within the development plan, also seek to ensure that developments are sympathetic to local character, well-designed and add to the overall quality of the area, which I have found would not be the case in this instance.
25. The appellant refers to the site as previously developed land. However, from the evidence before me it is understood that the land previously related to No 173. As the Framework excludes land in built-up areas such as residential gardens from the definition of previously developed land, I have not treated it as such.
26. I also note the appellant's concerns over the Council's handling of the application, including the contents of the Officer Report and the reporting of consultation responses. However, this has no bearing on my consideration of this appeal, which I have determined on its planning merits. Moreover, even if there had been no objections received in relation to the application this would be a neutral factor and would not alter my conclusions above.

S106 Agreement

27. The Council's fourth reason for refusal refers to the requirement for a legal agreement to secure the development as car-free, financial contributions towards sustainable

travel, a Strategic Access Management and Monitoring strategy (SAMM) contribution, monitoring of the CLP, a highway condition survey and a S278 agreement for highway related works. The Council states these contributions are necessary to mitigate the effects of the development.

28. The appeal has been accompanied by a legal agreement which seeks to secure the obligations requested by the Council. The Council contends there are deficiencies with the legal agreement meaning it is not legally sound. The appellant has indicated a willingness to amend the agreement and a desire for this to be controlled by condition. Had I found the appeal scheme to be acceptable in all other regards it would have been necessary for me to consider this further, in addition to whether the requested contributions are necessary to make the development acceptable. However, as I have found that the scheme would be unacceptable for other reasons, it is not necessary for me to consider this matter further as it would not alter the outcome of the appeal.

Epping Forest Special Area of Conservation

29. The site lies within the zone of influence of the Epping Forest Special Area of Conservation (SAC) which is a European Site as defined by The Conservation of Habitats and Species Regulations 2017 (as amended). Had I found the appeal scheme to be acceptable in all other regards it would have been necessary for me to consider whether the SAMM contribution put forward in the accompanying legal agreement would appropriately mitigate any likely significant effects arising from the development on the integrity of the SAC and undertake an Appropriate Assessment. However, as I have found that the scheme would be unacceptable for other reasons, it is not necessary for me to consider this matter further.

Planning Balance and Conclusion

30. I have found that the proposal would provide acceptable living conditions for future occupants, would not harm highway safety and would meet the identified housing needs of the borough. However, an absence of harm on these matters is a neutral factor and does not outweigh the significant harm, and subsequent policy conflict, that I have found with regards to the effect of the proposed development on the character and appearance of the area, to which I attach significant weight.
31. Set against this, the proposal would make an effective use of land by delivering one dwelling in a location with good access to public transport, services and facilities. The development would therefore make a small but beneficial contribution to the choice of homes in the borough and its supply of housing land; as well as providing social and economic benefits during construction and after occupation. As a small-site, it could also be built-out reasonably quickly. However, given the scale of the development, any social, economic or environmental benefits associated with the delivery of one dwelling would be relatively limited and would not outweigh the harm I have identified.
32. Therefore, for the reasons given above, the proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with it. Accordingly, I conclude the appeal should be dismissed.

H Whitfield

INSPECTOR