



Appeal Decision

Site visit made on 17 November 2020

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/U5930/D/20/3257622

49 Eden Road, Walthamstow, London, E17 9JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gutierrez De Jesus against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 201410, dated 11 May 2020, was refused by notice dated 7 July 2020.
 - The development proposed is a single storey ground floor extension with roof lights and part first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey ground floor extension with roof lights and a part first floor extension at 49 Eden Road, Walthamstow, London, E17 9JX in accordance with the terms of the application Ref:201410 dated 11 May 2020 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 300-01; 300-02; 300-03; 300-04; 360-01; 360-02; 370-01; and 370-02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a two storey mid-terrace dwelling. It has been extended to the rear at ground level and has a dormer extension at roof level.
 4. The appeal property is located within a residential area characterised by the presence of a wide range of largely two storey houses, along with a tall block of flats, with garages at ground level.
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5. Dwellings tend to be set back from the road behind short gardens with low brick-built walls and have long gardens to the rear.
6. A striking characteristic of the area is the variety in the appearance of dwellings. Whilst many retain evidence of period features, a large proportion of houses have been altered and/or extended. This is the case both to the front and also to the rear of dwellings, where, during my site visit, I noted the presence of extensions of all shapes, sizes and designs, including dormer, single storey and two storey extensions. This makes for an interesting, varied and distinctive local character.
7. The proposed development would comprise a single storey rear extension projecting a similar distance into the garden as neighbouring extensions. The proposal would also include a first storey element above the ground floor extension, although this would project a considerably shorter distance. As noted by the Council, the proposed first storey element would only project a short distance past the existing first storey extension to No 47/47A and would not result in any harm to residential amenity.
8. Similarly to the adjacent first storey extension, the proposed first floor element would not extend across the full width of the plot and its flat roof and use of materials would present a clean, modern design. As such, it would appear in keeping with surroundings where various extensions appear to contribute to a character of ongoing change, whilst remaining sensitive to the character of host properties. Further to this, I find that the use of modern materials ensures a that the proposal contributes to the interesting, varied and distinctive character of the area.
9. In addition to the above, I consider that the design of the first floor element of the proposal, whereby it does not extend across the width of the plot nor project significantly further than the first floor extension of an adjoining property, and which presents a modest, flat-roofed design, ensures that the proposed extension as a whole would appear in harmony with and complementary to, its host property.
10. Taking this into account, I conclude that the proposed development would appear in keeping with the host property and would not harm the character and appearance of the area. Consequently, it would not be contrary to the National Planning Policy Framework; to Local Plan¹ policies DM4 and DM29; to Core Strategy² policy CS15; or to Waltham Forest Supplementary Planning Document – Residential Extensions and Alterations (2010), which together amongst other things, seek to protect local character.

Conditions

11. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

¹ Waltham Forest Local Plan – Development Management Policies (2013).

² Waltham Forest Local Plan – Core Strategy (2012).

12.A condition requiring materials to match those of the existing house is necessary to protect the character and appearance of the host property and wider area.

Conclusion

13.For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR