



Appeal Decision

Site Visit made on 8 November 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2021

Appeal Ref: APP/U5930/W/21/3274115

140 Hoe Street, Walthamstow E17 4QR

- 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 Mahmood Hussain on behalf of James William Estate Agents against the decision of Waltham Forest London Borough Council.
 - The application Ref 210082, dated 13 January 2021, was refused by notice dated 17 March 2021.
 - The development proposed is construction of a single storey rear extension to extend existing office.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to extend an existing office at 140 Hoe Street, Walthamstow E17 4QR in accordance with the terms of the application, Ref 210082, dated 13 January 2021, subject to the conditions set out at the end of this decision.

Preliminary Matter

2. It is apparent from the evidence before me that a new draft Local Plan is in the process of emerging. However, I have seen nothing to indicate that this is currently at a stage that should attract anything more than limited weight. I shall determine the appeal on this basis.

Main Issue

3. The effect upon the character and appearance of the host building and the surrounding area.

Reasons

4. The appeal property makes up part of a terrace (the terrace) typically occupied by commercial uses at ground floor. It was apparent upon inspection that various extensions of often considerable depth have already been constructed to the rear of the terrace. Whilst these extensions are often of dated and sometimes utilitarian appearance, they still noticeably influence the character and appearance of the terrace.
5. The proposed addition would occupy a discreet position to the rear of the site. Indeed, it would sit immediately alongside single-storey extensions already in place to each of the site's sides. Whilst the proposed extension would be of slightly greater depth when compared to the rear boundary line of properties that comprise the northern part of the terrace, its flat-roofed design would assist in ensuring that it would have a low-key visual presence and not appear as unduly large or bulky. Moreover, the extension would complement its

immediate surroundings and not lead to a sense of enclosure being experienced by any neighbouring occupier.

6. For the above reasons, the proposal would not cause harm to the character and appearance of the host building or surrounding area. The scheme accords with Policy CS15 of the Waltham Forest Local Plan Core Strategy (March 2012) (the CS), Policies DM25 and DM29 of the Waltham Forest Local Plan Development Management Policies (October 2013) (the DMP) and the Urban Design Supplementary Planning Document (February 2010) in so far as these policies and guidance require that new development should respond positively to the local context and character.
7. For the avoidance of doubt, Policy CS2 of the CS is of little relevance to my considerations. This is because it relates to housing quality and choice, and not to commercial development.

Other Matters

8. An interested party has suggested that the scheme could encourage other local businesses to apply for similar extensions. However, any development proposal must be considered upon its own individual merits at the point in time of its determination.
9. Given the small scale of development under consideration, any potential for additional traffic to be generated would be limited. Thus, the scheme is acceptable in a highway safety/capacity sense. As a further note, any suggestion that the proposal would lead to people unnecessarily congregating has not been robustly substantiated.
10. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

11. The Council has suggested conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the National Planning Policy Framework (July 2021) and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes and have omitted others.
12. In the interests of certainty, a condition specifying the suite of approved plans is required. In the interests of protecting the character and appearance of the area, a condition is reasonable and necessary to ensure that external facing materials match existing. For the avoidance of doubt, due to the extension's discreet siting and low height, I find it unnecessary to secure the submission of a full schedule of materials for written approval.
13. In the interests of protecting the living conditions of nearby residents, a condition to control the hours of demolition/construction work is reasonable. However, given the limited extent of works and building materials realistically required, a detailed Construction Logistics Plan would be unduly onerous and unnecessary to condition in either a residential amenity or highway safety sense. This is notwithstanding the busy nature of Hoe Street.
14. To guard against any potential risks in a flood risk/drainage sense, it is reasonable and necessary to secure the submission and implementation of a

surface water drainage scheme. Indeed, the ground area to be covered by the development would not be insignificant and Policy DM34 of the DMP suggests that greenfield run-off rates should be achieved through the maximisation of Sustainable Urban Drainage Systems where possible. When compared to the drainage condition drafted by the Council, I have used more concise wording in the interests of offering flexibility whilst acknowledging the scale of development under consideration.

15. It was apparent upon inspection that the site currently offers very little value in a habitat/biodiversity sense. Nevertheless, its western end (to be retained as garden space) offers some opportunities for species and habitats to be supported through, for example, some limited new planting and/or the provision of habitat boxes. The implementation of a schedule of biodiversity enhancement measures would accord with the broad aspirations of Policy DM35 of the DMP and is thus reasonable to secure via condition.

Conclusion

16. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (scale 1:1250); Block Plan (scale 1:200); HS10.
- 3) No construction works shall take place until full details of a sustainable drainage system to deal with surface water drainage from the site as well as associated maintenance details have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be implemented in full prior to the first occupation of the development and thereafter shall be maintained in accordance with the approved maintenance details for the lifetime of the development.
- 4) Prior to the first occupation of the development hereby permitted a schedule of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development.
- 5) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the construction of the existing building.
- 6) Demolition or construction works shall take place only between 0800 and 1800 hours on Mondays to Fridays and between 0800 and 1300 hours on Saturdays, and not at any time on Sundays or on Bank or Public Holidays.