



Appeal Decision

Site visit made on 29 November 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2021

Appeal Ref: APP/U5930/D/21/3277040

19 Pretoria Road, Leytonstone, London E11 4BB

- 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 Seyi Ojo against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 211095, dated 12 April 2021, was refused by notice dated 8 June 2021.
 - The development proposed is described as 'construction of a ground and first floor side extension and single storey rear extension including conversion of the existing domestic side garage into a habitable room (play room). Installation of UPVC framed window in place of the existing front garage door'.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a ground and first floor side extension and single storey rear extension including conversion of the existing domestic side garage into a habitable room (play room) and installation of window in place of the existing front garage door at 19 Pretoria Road, Leytonstone, London E11 4BB in accordance with the terms of the application, Ref 211095, dated 12 April 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. In the description of development in the banner above, I have omitted words included in the application form which do not amount to development or which refer to works which in themselves are not part of the appeal application.
3. From the submitted documents, and my site visit, it is not clear whether existing fenestration in the appeal property is timber framed or UPVC framed or includes both. In my decision above, I have therefore omitted the words 'UPVC framed'. I return to this issue in 'conditions' below.
4. The Council has issued a lawful development certificate (LDC)¹. The LDC confirms that proposed development at the appeal site for 'construction of hip to gable side roof extension and dormer roof extension to rear roof together with installation of two roof-lights to front roof' would be permitted development² (the LDC development). The LDC development is not shown in the submitted appeal plans but it has been substantially completed. I have determined the appeal on this basis.

¹ Council's reference 202587

² The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

5. In its officer report, the Council has not objected to the proposed ground floor part of the side extension, the single storey rear extension or the conversion of the garage. I have no reason to reach a different view.

Main Issue

6. The main issue is the effect of the first floor part of the proposed side extension (the proposal) on the character and appearance of the appeal property and the area.

Reasons

7. The appeal property is an end of terrace two-storey Victorian or Edwardian house in a residential street and area of similar properties. The original square bay windows with a gable above are distinctive and defining features of the house. Together with the tall, narrow window proportions and roof canopy over the front door, these important traditional elements contribute positively to its character and appearance and that of the area. As a result of the LDC development its main roof is no longer fully hipped and includes a side (end) gable. As such it reflects a prevailing roof form in this street and area.
8. The proposal would be set back from the main front elevation of the house and have a single narrow window in the front and rear elevations. It would be limited in width and depth, in relation to the house, with a front-to-back pitched roof at a much lower ridge height than that of the main roof. On one side it would be attached to the side elevation and gable of the house and on the other side a gable would face Twickenham Road.
9. The proposal would, therefore, be a subservient addition to the appeal property in terms of siting and external dimensions. In addition, its design would be in keeping with the appeal property. As a result, even though on a corner, it would not appear unduly prominent or conspicuous in public views. Furthermore, despite the unaltered end of terrace house on the opposite corner, it would not jar with the prevailing pattern and sequence of terraced properties in this road or in the surrounding area. It would also integrate the utilitarian flat roof side garage into the structure and fabric of the house. This would have a positive beneficial visual effect on the streetscene.
10. The proposal is essentially the same as a first floor side extension included as part of a similar previous development refused planning permission by the Council³. A subsequent appeal was dismissed⁴. Nonetheless, and notwithstanding the Council's understanding of this previous appeal decision, as set out in its officer report, it is evident from the Inspector's decision letter that the 'size, scale and form of the first floor part' of the previous development was acceptable (paragraph 9). Moreover, the Inspector reached that view in the context of the LDC, albeit that the LDC development had not at that time taken place.
11. Furthermore, the Inspector's concerns clearly related to 'the siting, form and detail of the ground floor element of that extension' (paragraph 10) — 'that extension' being the 'ground and first floor side extension' which included the conversion of the garage (paragraphs 4 and 8). Specifically, it was the front elevation of the ground floor part of that side extension (in terms of its siting,

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⁴ APP/U5930/D/20/3262748

forward projecting pitched roof and window proportions) that resulted in it, not the first floor part, being 'unduly dominant on the front elevation, distracting from the projecting bay and front canopy' and, as a result, that it did not 'relate well to the scale of the host building and its traditional features'.

12. The Council considers that these aspects of the ground floor part of the side extension have been satisfactorily addressed in the current appeal application. I agree, and I also note that the Council does not otherwise object in principle to a two-storey side extension.
13. Taking all of the above into account, I find that the first floor part of the proposed side extension would not adversely affect the character or appearance of the appeal property or the area. Consequently, it would comply with the Council's Core Strategy⁵ Policies CS2 and CS15 and Development Management⁶ Policies DM4 and DM29. These policies include that residential extensions should be high quality in design, make a positive contribution to the urban environment and to local context and character. Such development should also promote distinctiveness having regard to building typology, street pattern, the public realm and building height, scale and massing in relation to the host building.
14. The proposal would also be aligned with objectives of the National Planning Policy Framework for achieving well-designed places. In particular, it would add to the overall quality of the area, be sympathetic to local character and the surrounding built environment and maintain a strong sense of place in terms of building type and materials.

Conditions

15. The Council has suggested some conditions. I have considered these, and where necessary I have modified the wording in the interests of clarity, in light of the tests in Framework paragraph 56 and in Planning Practice Guidance⁷. In addition to the standard time limit condition (No 1), conditions are necessary to specify the approved plans to ensure certainty (No 2) and so that the development is carried out with external materials that match the appearance of the appeal property (No 3). Condition Nos 2 and 3 are in the interests of the character and appearance of the appeal property and the area.
16. For the avoidance of doubt, condition No 3 includes that if existing fenestration in the appeal property is timber framed, then fenestration in the development hereby permitted must also be timber framed; or, if it is UPVC then it must be UPVC. If it is both timber and UPVC, then either material would match.

Conclusion

17. For the reasons given above I conclude that, subject to conditions, the proposal is acceptable and therefore the appeal should succeed.

Robin Buchanan

INSPECTOR

⁵ Waltham Forest Local Plan Core Strategy, March 2012

⁶ Waltham Forest Local Plan Development Management Policies, October 2013

⁷ Paragraph ID: 21a-003-20190723.

Schedule of Conditions (3)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2018_PL01 Location & proposed site plan
 - 2018_PL02 Existing floor plans
 - 2018_PL03 Existing elevations
 - 2018_PL04 Proposed floor plans
 - 2018_PL05 Proposed elevations
- 3) The materials to be used in the construction of the external surfaces and fenestration of the development hereby permitted shall match those used in the existing building.