



Appeal Decisions

Site visit made on 23 May 2024

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th July 2024

Appeal A Ref: APP/U5930/W/23/3330394

59 Falmouth Avenue, Chingford, Waltham Forest E4 9QR

- 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 Robert Bennett (Bob Bennett Town Planning & Regeneration) against the decision of The Council of the London Borough of Waltham Forest.
 - The application Ref is 231218.
 - The development proposed is the construction of two storey, side and rear extensions to existing semi-detached two storey dwelling.
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Appeal B Ref: APP/U5930/W/23/3331424

59 Falmouth Avenue, Chingford, Waltham Forest E4 9QR

- 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 Robert Bennett (Bob Bennett Town Planning & Regeneration) against the decision of The Council of the London Borough of Waltham Forest.
 - The application Ref is 231220.
 - The development proposed is the construction of two storey, side and rear extensions to existing semi-detached two storey dwelling.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The proposals for Appeals A and B are similar and the main issues are the same. As such, to avoid repetition I have provided one reasoning section, detailing my findings for both appeals. Notwithstanding this, each proposal and appeal has been considered individually, and on its own merits.
4. The Council adopted the Waltham Forest Local Plan Part 1 (LP) in 2024, after both applications had been determined. As a result, I have taken account of the updated policy position provided by the Council, rather than those shown on the respective decision notices. In the interests of natural justice, the appellant has been provided an opportunity to comment on these matters and I have considered all issues raised in making my decision on the two appeals.

Main Issues

5. The main issue for both Appeal A and Appeal B is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located within a residential area that comprises buildings of various sizes and styles. The dwellings tend to be set back from the road, and in combination with the predominantly large gaps between buildings, this provides the area with a pleasantly spacious feel.
7. No's 59 and 57 are a pair of semi-detached dwellings that are built from red brick and have several identical features such as large double windows at ground and first floor level, roof gables and gables above the front doors. Despite the presence of the garage that is attached to No. 59, these features provide a pleasing element of symmetry between the pair of houses.
8. The two appeals before me are reasonably similar in many respects. Both would involve the construction of substantial two storey side and rear extensions to the property. The Council's Residential Extensions and Alterations Supplementary Planning Document, 2010 (the SPD), sets out guidance for extensions. While I acknowledge that the SPD was adopted under the auspices of a previous local plan, it has not yet been replaced and it still sets out the Council's intentions for such schemes. Indeed, the relevant guidance does not conflict with the newly adopted LP policies and so I can see no reason to depart from it. In several places the document emphasises the importance of ensuring that such extensions to residential properties appear as being subordinate to the existing dwelling.
9. In terms of materials used, both schemes would likely conform with the design of the dwelling. However, in my view, the proposals would introduce extremely large, dominant and imposing additions to the building which could not be considered to be visually subordinate. The proposal that forms Appeal B does seek to address this issue to some degree by introducing a stepped reduction in ridge height, while also being set back from the principal elevation. However, I do not find that these design details alleviate the harm completely. Moreover, the stepped ridge height of the roofline would in itself appear visually incongruous with the surroundings.
10. In addition, in each case, the proposed extensions would remove the pleasing symmetry between No's 57 and 59, which would result in further harm to the street scene. Finally, while I recognise that there are some examples of smaller gaps between buildings nearby, this does not reflect the prevailing character and I find that the visual reduction in the space between No. 59 and the neighbouring care home would erode the existing feeling of spaciousness that exists.
11. The appellant has referred to the fact that the care home has been extended over the years. However, while that might be the case, the different uses of the buildings means that the context is quite different and not directly comparable to the appeals before me. In any event, the fact that the extensions to the care home have occurred does not provide justification for allowing a development that would lead to harm.

12. As a result, I conclude that the proposed developments would both result in harm to character and appearance. As such, they would conflict with LP Policy 53 which seeks to ensure that new development is well designed and that it preserves character and appearance. They would also conflict with the guidance contained in the SPD, including the need for extensions to be visually subordinate to existing dwellings.

Other Matters

13. I am aware that the Council has concerns about the accuracy of the plans and the application form in relation to Appeal B, and that this formed a further reason for refusal. However, as I am dismissing this appeal it is not an issue that I need to consider further.
14. The appellant has set out details of a fallback option that could be pursued using permitted development rights. I accept that there is a greater than theoretical prospect that such a scheme could be brought forward if these appeals fail. However, based on the plans provided by the appellant, such a scheme would involve significantly fewer external alterations to the appearance of the building when compared to the appeal proposals. In addition, the space between No. 59 and the care home would be maintained and any harm caused in relation to the symmetry between No. 57 and No. 59 would be reduced, particularly when viewing the properties from the road. As a result, I find that utilisation of permitted development rights would likely result in less harm than the two appeal proposals.

Conclusion

15. The proposed developments conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. As a result, Appeal A is dismissed and Appeal B is also dismissed.

C Butcher

INSPECTOR