
Appeal Decision

Site visit made on 2 December 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/U5930/W/24/3345988

92 Station Road, Chingford, Waltham Forest, E4 7BA

- 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 Ms Anny Polito against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 240401.
 - The development proposed is retrospective planning application for the pergola to the front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for pergola to the front elevation at 92 Station Road, Chingford, Waltham Forest, E4 7BA in accordance with the terms of the application, Ref 240401.

Preliminary Matters

2. The development has already been erected on site and corresponds to the details shown on the plans. The appeal is therefore retrospective. The description of development in the decision above is from the application form, though I have removed “retrospective planning application” as this is not an act of development.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In this case it does not raise any matters that require me to seek representations from the main parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host building and the surrounding area, including whether it preserves or enhances the character or appearance of the Station Road Conservation Area.

Reasons

5. The appeal site relates to a single storey, terraced property which operates as a restaurant. It is located in a parade of commercial premises fronting on to Station Road. The site is within the Station Road Conservation Area (CA), the special interest of which includes the suburbanisation and expansion of the area in the Victorian and Edwardian periods, with Chingford Railway Station at its centre. The site lies within the Station Road Central Character Area, which is of mixed character comprising residential and commercial uses, ranging from semi-detached villas at the western end to terraces to the east whose ground floors are mainly in commercial use.

6. A pergola and a decked outdoor seating area have been created within the forecourt to the front of the premises. The Council indicates that the outdoor seating area and decking have been in-situ for a considerable period and are thereby lawful. The dispute between the parties therefore relates to the pergola. This consists of a green painted timber framework, which projects 5.5m from the front of the building and is bounded by low level planters.
7. While many properties along Station Road do not feature additions forward of the building line, many historically had fabric canopies to the front. A small number of canopies remain, and several have erected permanent, more substantial front extensions, particularly towards the eastern end of Station Road. These include a large front projection to a premises opposite the site and another just a few doors away at 98 Station Road, albeit this projection is smaller than the appeal development. Some of these projections are not of a high design standard and others were added before the conservation area designation or were built without permission. These structures and seating areas nevertheless now form part of the area's character. Indeed, they increase the vibrancy of the street, as acknowledged in the Chingford Station Road Conservation Area Appraisal (2023) (the Appraisal).
8. Given the modest height of the pergola, together with its unobtrusive, visually lightweight design and muted colour scheme, it is not unduly prominent in views along the street. Its visual effect is further mitigated by the partial screening provided by trees lining the road.
9. The Appraisal notes the gradual spill of commercial activity onto the pavement, and states that awnings and more permanent structures onto building frontages can mask historic building features. However, in this case the open and lightweight nature of the pergola frame allows views through to the building behind, such that it does not conceal the shop front or the fascia above it. The pergola is entirely within the established outdoor seating area and does not encroach on to the public footpath or add significantly to street clutter. The development is not therefore at odds with the character of Station Road, and it has preserved the character and appearance of the CA.
10. I conclude that the development does not harm the character and appearance of the host building or the surrounding area, including the character and appearance of the CA. It therefore complies with Policies 53 and 72 of the Waltham Forest Local Plan Part 1 (2024) (LP1) which, amongst other things, seek to ensure that development delivers high quality design that reinforces and enhances local character, including conservation areas. I also find no conflict with the Council's Supplementary Planning Documents 'Urban Design' (2010) and 'Shop Front Design' (2016), or the Appraisal. The reason for refusal refers to a conflict with LP1 Policies 56 and 74, though these relate to residential space standards and non-designated heritage assets respectively and are not relevant in this case.

Conclusion

11. The proposal accords with the development plan and there are no other material considerations to outweigh that finding. I therefore conclude that the appeal should be allowed. As the development has been completed, no conditions are necessary.

M Ollerenshaw

INSPECTOR