



Appeal Decision

Site visit made on 18 February 2025

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/U5930/D/24/3351512

29 Maynard Road, Waltham Forest, Walthamstow E17 9JE

- 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 Bostan Mohamed against the decision of Waltham Forest London Borough Council.
- The application reference is 241673.
- The development proposed is construction of a single storey wraparound rear extension and front bay window at ground floor level.

Decision

1. The appeal is dismissed.

Main Issues

2. The Council has refused permission on the basis that inaccurate and inconsistent plans have been submitted and that it has been unable to adequately assess the impacts of the proposal on the character and appearance of the area and the living conditions of neighbouring occupants. These form the main issues of the appeal but I start by addressing the accuracy of the plans.

Reasons

3. The plans contain a number of inaccuracies and inconsistencies, the most consequential of which I set out.
4. The Council points to the overall length of the rear extension being measured variously as 9.1m or 9.2m on different drawings. It also highlights that the flat roof height is given on various plans as 3.2m or 3.3m, with eaves stated on one plan to be 3m and a further annotation referring to a '3m High Pitch Roof.'
5. In addition, the existing arrangement of the building at the rear has not been accurately drawn. The first floor outrigger is shown to have a separate pitched roof below the main rear roof slope, when the main roof actually continues down over the first floor extension on the same plane. This is shown incorrectly in existing and proposed section and elevation plans. The roof of the first floor extension is also missing from the rear elevation plan, which erroneously shows facing brickwork above the rear window, when in fact the eaves of the sloping roof meet the rear wall directly above the head of the window.
6. A proposed front bay window is shown on two plan drawings (HPA/061/24/05 Rev 00 and HPA/061/24/07 Rev 01) and but is not shown as having any depth or a hipped roof on the Proposed Front Elevation Plan. The Proposed Section is also unclear as it appears to be cut through the front door and staircase at the front (in which case the absence of the bay window is not an error) but moves to cut

through the kitchen and bathroom at the rear (in which case the bay window should be shown).

7. The differences in measurements of the depth of the rear extension are not significant in and of themselves, and the inconsistent or incorrect depiction of certain elements across different plans, such as the shape of the first floor rear extension, could be excused where it has no material bearing on the proposal. However, in order to grant planning permission, there has to be certainty as to what would be approved, not least as permission runs with the land and may not be implemented by the person who made the application.
8. In this respect, there are further discrepancies which cause particular concern. The Proposed Ground Floor Roof Plan (HPA/061/24/07 Rev 01) does not show the existing first floor rear extension at all, implying that it is to be removed and a full flat roof proposed, when this is not shown on other plans. As a result, the actual extent of the proposed flat roof is unclear. Moreover, there is inconsistency between that plan and the Proposed Rear Elevation (HPA/061/24/11 Rev 00) as the latter shows the sloping roof section of the side infill element considerably wider and with a different pitch angle. Because of this, the actual shape of the proposed extension is unclear, in particular how it would juxtapose with the existing first floor outrigger and the adjacent properties. This exacerbates the difficulty in understanding the full extent of the proposal.
9. The appellant has acknowledged these discrepancies but has not sought to provide amended plans to address the matters raised by the Council. In any event, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
10. I acknowledge that deep rear extensions are a feature of dwellings along Maynard Road, with my observations on site indicating that some extend a similar depth to that proposed. However, in the absence of clear plans, I cannot make a complete assessment of the effect on the proposal on the character and appearance of the area. Moreover, the inconsistency of the drawings with respect to the sloping roof adjacent to No 31 means I am unable to determine the extent to which adjoining occupants may be affected in terms of the amount of light received or sense of enclosure experienced. There would also be no certainty as to what could be built or whether an approve plans condition would be enforceable.
11. In summary, therefore, there is inadequate evidence before me to allow the appeal. I cannot conclude that the proposal would preserve the character and appearance of the area or the living conditions of neighbouring occupants. The proposal does not demonstrate compliance with Policies 53 and 57 of the Waltham Forest Local Plan Part 1 (2024), which require development to achieve high quality design which reinforces and/or enhances local character and distinctiveness and respect the amenity of neighbours.

Conclusion

12. For the reasons set out, the appeal should be dismissed.

K Savage

INSPECTOR