



Appeal Decision

Site visit made on 16 January 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/24/3353395

77 Eden Road, Walthamstow, London E17 9JX

- 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 Ross and Laura Tulloch against the decision of Waltham Forest London Borough Council.
 - The application reference is 240709.
 - The development proposed was originally described as 'retention of front porch, front boundary wall and replacement roof. Installation of two roof lights to front roof slope and installation of one roof light to back roof slope. Alterations to fenestration at front and rear elevation comprising of replacement windows and doors. Removal of chimney.'
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Decision

1. The appeal is allowed and planning permission is granted for front porch, front boundary wall and replacement roof; installation of two roof lights to front roof slope and installation of one roof light to back roof slope; alterations to fenestration at front and rear elevation comprising of replacement windows and doors and removal of chimney, at 77 Eden Road, Walthamstow, London E17 9JX, in accordance with the terms of the application, Ref 240709 and the following plans submitted with it:

Unnumbered Location Plan; 002 - Block Plan; 010 - Pre-existing Ground Floor Plan; 011 - Pre-existing First Floor Plan; 012 - Pre-existing Roof Plan; 020 - Pre-existing Front And Rear Elevations; 030 - Pre-existing Section A; 100 - Proposed (Existing – Retrospective) Ground Floor Plan; 101 - Proposed (Existing – Retrospective) First Floor Plan; 102 - Proposed (Existing – Retrospective) Roof Plan; 200 - Proposed (Existing – Retrospective) Front And Rear Elevations; 300 - Proposed (Existing – Retrospective) Section A; P(02)120 Rev A – Proposed Roof Plan.

Preliminary Matters

2. The application was made on a retrospective basis and considered by the Council as such. I saw the works in question at my visit resembled the submitted plans and I have considered the appeal on the same retrospective basis.
3. During the course of the appeal, a lawful development certificate (LDC) relating to various works also forming part of the appeal proposal was granted by the Council under its reference 242555. I have taken this decision into account and afforded the parties the opportunity to comment on its relevance to the appeal.
4. On 12 December 2024, an updated National Planning Policy Framework (the Framework) was published, replacing the version from December 2023. I have had regard to this as an important material consideration.

Main Issues

5. The main issues are i) the effect of the development on the character and appearance of the area, and ii) the living conditions of neighbouring occupants, with respect to privacy.

Reasons

Character and Appearance

6. The appeal relates to a mid-terrace dwelling in a group of three on Eden Road. Properties on the adjacent side of the street are generally two storeys in height, set close to the road with very short front gardens. However, there is variety to the specific size and form of the dwellings, including differences in eaves height and external materials, with red and yellow brick, painted render and pebble dash all visible. Many dwellings surrounding the appeal site have front porches with either flat or dual-pitched roofs. The dwellings opposite are set slightly further back from the street, but contain a similar variety of shape, materials and architectural details within a generally two storey scale and terraced pattern.
7. The appeal dwelling has undergone a number of alterations. To the front, a porch has been erected which is clad in a green metal mesh, with a porthole window and a black waterproof membrane to its roof. The front boundary wall has been replaced in solid, unpainted concrete. The ground floor window has been altered to a full height window/door and the first floor window has been replaced, both with yellow frames. The entrance to the dwelling has been relocated to a door in the side passageway.
8. On the roof, the previous concrete tiles have been replaced with slates and two circular rooflights have been installed to the front roof slope, standing slightly above the plane of the roof, again with yellow framing around their edges. A chimney has also been removed. A further rooflight has been installed on the rear roof slope. At the rear, the windows have been replaced in a similar style to the front, and further green metal mesh added to the first floor elevation.
9. The Council's concern is that the alterations, whilst individually modest in scale, have a greater cumulative effect on the appearance of the dwelling, and result in a lack of coherence to the group of three of which the appeal property forms part. The alterations are described as an incongruous clash of traditional and modern. It also raises concern that the entrance has been relocated from the front porch.
10. The works are a bespoke design which does not replicate other dwellings on the street. However, they affect specific elements of the front elevation and none have significantly altered the overall shape or form of the dwelling. The porch is comparable in size and shape to others on neighbouring dwellings. The windows also remain consistent in their overall size and shape. The lowering of the ground floor window does not appear discordant from the street given it is screened by the front boundary wall, which itself is not excessive in height compared to neighbouring dwellings and the variety of designs used means the concrete finish does not upset an otherwise uniform pattern.
11. The choice of green and yellow colour to the porch and windows is a personal design preference of the occupants, and is a departure from the immediate surroundings. However, the colours are used judiciously to embellish specific

elements of the dwelling, which largely retains its original brick façade and lintels in common with its neighbours in the group. There is coherency to the overall design, with the circular rooflights matched by the porthole window to the porch, and yellow used on the roof soffit matching the window frames, rooflights and letter box. The green mesh to the porch is an atypical material, but it reflects the appearance of the metal gate to the side passageway. It is also a muted tone that does not stand out prominently in longer vistas along the street, and complements the planting above the front wall, and indeed a porch at No 69 painted green. Moreover, the front elevation still has a visible entrance via the gate to the side passage, and absence of a front door within the porch itself does not harm the overall composition of the front elevation or the symmetry of the group. Indeed, the dwelling conversely maintains a sense of symmetry with the central position of the porch and door openings to either side.

12. The roof of the dwelling has been replaced with slate tiles and circular rooflights in an offset arrangement. Although the Council is critical of the choice of slates in terms of authenticity to the building, it has separately confirmed that these works amount to permitted development, as do the rooflights. This aside, I saw the front roof slope, including the rooflights, to be relatively inconspicuous in the street scene as the slates sit lower than the tiles to either side and the rooflights have a slender profile. The roof arrangement is not perceptible in longer views as being significantly different to others, and even from directly in front, the slope remains aligned with others in the group and the slates and rooflights are viewed as constituent and coherent parts of the overall design of the dwelling.
13. The works to the rear continue the colours and materials at the front, but are not subject to public view, with visibility limited to parts of the immediate neighbouring gardens. Even then, the deep rear extensions to each screen much of the alterations at rear first floor level. The works to the rear are therefore contained and have little effect on the wider character of the area.
14. The alterations result in difference with the dwellings to either side, but do not alter the fundamental form or character of the building as a terraced dwelling. Moreover, given the variety of dwelling forms and materials present within the street, including the use of purple paint to the neighbouring dwelling at No 79, the area is capable of accommodating a bright colour or an innovative facing material. Therefore, I find that the works do not harmfully undermine the overall character of the area, but create a unique appearance that still respects the existing context.
15. As indicated, a number of the works have been confirmed by the Council to amount to permitted development. As well as the change of roof material, it has confirmed that the replacement windows and doors; the rooflights to the front and rear roof slopes; the demolition of the chimney and the replacement front boundary wall also amount to permitted development and the works undertaken are lawful. This is a material consideration. However, my findings above are based on the totality of the works, including elements not considered under the LDC application, namely the front porch and its facing materials and similar materials to the rear elevation. I have found, on their own merits, that the works are acceptable and thus the lawfulness of certain works under the LDC, whilst a significant fall-back position for the appellants, is not ultimately decisive.
16. For the reasons set out, I conclude that the works preserve the character and appearance of the area and accord with Policy 53 of the adopted Waltham Forest

Local Plan LP1 (2024) (the Local Plan) which requires development to achieve high quality design which reinforces and/or enhances local character and distinctiveness and employs architecture that respects its context whilst encouraging innovation and not unduly restricting style.

Living Conditions

17. The Council's concern relates to the potential use of a flat roof to the rear of the dwelling as a terrace, as the replacement of the rear first floor window has created a potential means of access onto the roof, as no barrier has been installed in front of the windows. However, I saw on site that the window has an internal, fixed railing which prevents access. Moreover, the flat roof has no railings and a sloped surface, and no works have been undertaken or are proposed under this application to erect railings to the flat roof or create a level floor to make the space safe to use. As such, the evidence does not indicate an intention or likelihood of the roof being used as a terrace. Such works would in any event require planning permission separately, and therefore it is unnecessary to impose a planning condition to restrict use of the flat roof as a terrace.
18. I find no harm would arise to neighbours from overlooking from a rear terrace. No conflict arises with Policy 57 of the Local Plan, which requires development to respect the amenity of neighbours in terms of, among other things, overlooking and privacy.

Conclusion

19. For the reasons set out, I conclude that the works undertaken accord with the development plan, taken as a whole, and there are no material considerations which indicate that permission should nevertheless be withheld. The appeal should therefore be allowed.
20. The works are indicated to be complete on site, and therefore it is unnecessary to impose a time limit condition or to require works to be completed in accordance with the submitted plans. However, I allow the appeal on the basis of those plans and list them in the formal decision for the avoidance of doubt.

K. Savage

INSPECTOR