



Appeal Decision

Site visit made on 17 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/24/3354549

7 Orchard Street, London E17 6LE

- 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 Mr Sam Martin against the decision of Waltham Forest London Borough Council.
- The application Ref is 240857.
- The development proposed is demolition of single storey side extension, and construction of two storey side extension, single storey rear extension and first floor rear extension. Alteration to first floor rear elevation including installation of two new windows and one roof light at rear roof slope, alteration to front elevation fenestration including demolition of front porch, relocation of ground floor front elevation front door and installation of new window, installation of window at first floor front elevation and three roof lights to front roof slope.

Decision

1. The appeal is allowed and planning permission is granted for demolition of single storey side extension, and construction of two storey side extension, single storey rear extension and first floor rear extension; alteration to first floor rear elevation including installation of two new windows and one roof light at rear roof slope; alteration to front elevation fenestration including demolition of front porch, relocation of ground floor front elevation front door and installation of new window; installation of window at first floor front elevation and three roof lights to front roof slope, at 7 Orchard Street, London E17 6LE in accordance with the terms of the application, Ref 240857, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 1081-A010 P1; 1081-A013 P4; 1081-A100; 1081-A130 P8; 1081-A200; 1081-A230 P7; 1081-A400; 1081-A430 P6; 1081-A600 P1; 1081-A603 P6; 1081-A610 P1; 1081-A613 P6; 1081-A713; 1081-A620 P1; 1081-A623 P6; 1081-A630 P1; 1081-A633 P6; 1081-A733; 1081-A101; 1081-A102; 1081-A201; 1081-A202; 1081-A301; 1081-A302.
 - 3) Notwithstanding the details shown on the approved plans, no development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The appellant indicates that revised plans were submitted to the Council during the course of the application and appear on its website, but the decision notice lists the plans originally submitted. Although the changes are stated to only relate to specifying proposed materials, I have no information that these plans were subject to public consultation. As such, I have not taken them into consideration and have based my decision on the plans determined by the Council.
3. On 12 December 2024, an updated National Planning Policy Framework was published, replacing the version from December 2023. I have had regard to this as an important material consideration.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal relates to a two storey, detached dwelling on a short residential street. It is flanked on one side by a row of six terraced, red brick dwellings of uniform appearance and on the other side by a pair of rendered and white painted semi-detached dwellings. The appeal dwelling itself is faced with an unpainted pebble dash. The presence of double height bay windows to all of the dwellings on this side, and their matching eaves and ridge heights, lends some consistency to their appearance and a rhythm to the streetscene, notwithstanding their different types and external finishes. A similar terrace of seven dwellings stands opposite the site.
6. To the rear, the appeal dwelling has a flat elevation. The terrace to one side has a number of flat roofed, single storey extensions and two rear dormer windows, whilst the semi-detached pair has deep, two storey closet wings with further, short single storey extensions beyond. The rear elevations of dwellings on Forest Road stand behind, with those opposing the terraced dwellings screened by substantial tree cover on the garden boundaries. The rear of the appeal dwelling is also visible from two dwellings on Ritchings Avenue.
7. A garage to the side of the dwelling has already been demolished. The proposal would infill the whole of this space at ground floor level, with the first floor level inset from the side wall of 1 Orchard Street by some 880mm. The ground floor extension would wrap around the rear of the building to a depth of 4 metres, whilst the first floor level would extend to some 2.15 metres from the rear elevation, and would be inset from the side boundary of No 9 by some 1.42 metres. Both storeys of the extension would have flat roofs, except for a pitched roof to the side first floor addition. Rooflights are proposed to the front and rear roof slopes, and the elevations would be refurbished with new windows, removal of the front porch and restoration of facing brickwork.
8. The side extension would effectively replicate the previous massing of the garage at the ground floor. The first floor element would be recessed from the main front elevation by 1 metre and from the side elevation of No 1. The ridgeline of the roof would also be set down some 400mm from the main roof. As a result, it would achieve a subservient scale and appearance that would maintain the legibility of both the existing dwelling as a detached building and the neighbouring semi-

detached pair, and would otherwise match the materiality of the existing dwelling to create a coherent overall appearance.

9. The Council points to the importance of the existing gap to the character of the townscape, but from my observations Orchard Street is not characterised by notable gaps between buildings. Indeed, even with the existing gap, this side of the street appears as a terrace in longer views from both ends of the street. The gap to the side of the appeal dwelling is therefore a single exception to an otherwise already close-knit character. As such, I am not persuaded that it is an important feature to be retained and I do not share the Council's concerns over creating a terracing effect, as this largely exists already and there would be little change to the overall streetscape as viewed from either end of Orchard Street. The other proposed alterations to the front elevation would maintain the consistency of appearance that the appeal site shares with its neighbours.
10. The ground floor rear extension would be only marginally deeper than the extension next door at No 9 and would respect the prevailing pattern of development. At first floor level, the extension would be shallow in depth and recessed on both sides, reducing higher level bulk. It would sit behind the line of the rear wing of No 1 next door and would therefore fall within the established depth of development along the street. Although not an exact match for other extensions alongside the appeal site, the context is sufficiently varied to facilitate a bespoke design to a single, detached dwelling that would be subject to a limited number of views from dwellings at the rear.
11. The flat roof of the first floor element would extend marginally above the existing eaves line of the main building in a somewhat awkward arrangement. However, at this height, the juxtaposition of the extension with the eaves and main roof would be largely concealed by the extension itself and would not be obvious from the gardens of neighbouring dwellings. I am content that this element would not detract materially from the overall design of the extension.
12. Viewed as a whole, the extensions would be large, but the arrangement of the massing would achieve a proportionate enlargement of what is a sizeable dwelling with an already imposing rear elevation. There would also be a sufficient amount of garden space retained beyond the extensions, such that the resulting dwelling would not appear excessive in size for its plot. The Council raises no concerns with the detailed design of the fenestration or proposed materials. I saw the building to be in a state of some disrepair and the proposal would upgrade its overall appearance both at the front and rear.
13. For these reasons, I conclude that the proposal would preserve the character and appearance of the area, in accordance with Policy 53 of the Waltham Forest Local Plan Part 1 (2024) which requires development to achieve high quality design which reinforces and/or enhances local character and distinctiveness and employs architecture that respects its context.

Other Matters

14. The Council did not oppose the application in terms of its effect on the living conditions of neighbouring occupants. Having regard to the overall depth of the extensions and in particular the recessed position of the first floor element from the boundary with No 9, I have no reasons to conclude otherwise.

Conditions

15. A condition setting out the approved plans is necessary to provide certainty. Given the lack of clarity as to whether the Council considered revised plans specifying proposed materials, it is also necessary to require details of external facing materials to be submitted and approved in writing, to ensure a satisfactory appearance. The appellant has indicated their agreement to such a condition.

Conclusion

16. 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.

K Savage

INSPECTOR