



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: 07 March 2025

Appeal Ref: APP/U5930/D/24/3353050

10 Hamilton Road, Waltham Forest, Walthamstow, London E17 6EH

- 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 Matthew Cooper against the decision of Waltham Forest London Borough Council.
- The application reference is 241483.
- The development proposed is construction of a rear extension above two-storey outrigger; construction of a dormer roof extension to main rear roof including raising the ridge and parapet wall height, together with removal of chimney and antenna, installation of two roof lights to front roof slope and soil and vent pipe; alterations to rear and side fenestrations and installation of timber decking steps within rear garden; installation of external insulation on the rear and side elevations and installation of a heat pump within front garden.

Decision

1. I am issuing a split decision. The appeal is dismissed insofar as it relates to installation of an air source heat pump within the front garden.
2. The appeal is allowed and planning permission is granted for construction of a rear extension above two-storey outrigger; construction of a dormer roof extension to main rear roof including raising the ridge and parapet wall height, together with removal of chimney and antenna; installation of two roof lights to front roof slope and soil and vent pipe; alterations to rear and side fenestrations and installation of timber decking steps within rear garden; installation of external insulation on the rear and side elevations, at 10 Hamilton Road, Walthamstow, London E17 6EH in accordance with the terms of the application, Ref 241483, 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 drawing numbers 10HR.010; 10HR.015; 10HR.030; 10HR.040; 10HR.050; 10HR.060 Rev A; 10HR.065; 10HR.080; 10HR.130; 10HR.140; 10HR.150; 10HR.200 Rev A; 10HR.205; 10HR.300; Location Plan (PP-13142778v1), Fenestration Specification (VELFAC 200 alu), except in respect of the air source heat pump shown on plan numbers 10HR.130; 10HR.200 Rev A and 10HR.300.
 - 3) Notwithstanding the approved plans, details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to their installation on site. The development shall be carried out in accordance with the approved details/samples.

Main Issue

3. The Council issued four reasons for refusal, but each relates to the visual impact of various elements of the proposal. Therefore, the main issue in respect of each element is the effect on the character and appearance of the area.

Reasons

4. The appeal relates to a mid-terraced dwelling standing two storeys over basement at the front and three storeys at the rear. It occupies a confined site that widens slightly towards the rear, with existing lower and upper ground rear extensions standing at angles to the main rear wall. Behind the site are expansive allotments.

Roof and Rear Extensions

5. The proposed rear dormer would sit between the higher and deeper parapet wall of No 12 on one side, which already has a large rear dormer, and the lower parapet wall with No 8, which would be built up and out to enclose the proposed structure. It would include a large picture window to the rear, two rooflights to the front roof slope and an upward facing rooflight to the centre of the flat roof section.
6. The Council's Residential Extensions and Alterations Supplementary Planning Document (2010) sets out that dormer windows should be of appropriate proportions and relate well to the existing windows of the original house. The dwelling forms part of a long run of houses backing onto the allotments. Most of these have not undergone dormer extensions, but there are a small number of prominent examples of substantial additions infilling the roof and extending out over the rear closet wings. The immediate group of three dwellings at Nos 8, 10 and 12 also differ in their height, shape and massing from others, reflecting the irregular, triangular section of land in which they are situated.
7. The proposed dormer would infill the whole roof slope, but would sit against the deeper parapet wall to No 12 and would be set well back from the proposed additional storey to the rear closet wing, the height, position and proposed materials of which would make it the more prominent element of the proposal. As a result, the overall dormer massing and the picture window would have less prominence in views from the allotments at the rear in comparison with the dormer at No 12 which is further rearward and fully visible due to the rear wing of that dwelling being offset to the side. Moreover, the dormer would not appear disproportionate in size when considering the overall height of the dwelling and the additional, more prominent massing proposed to the rear wing.
8. The dormer would sit higher than, but well back of, the tall, deep closet wing to No 8 on the other side, which would provide partial screening of the dormer in views from ground level. Although the allotments are an expansive area, longer views of the appeal site from within them are screened from many angles by a copse of trees nearby. Where the rear elevation is visible, it would be seen in context with the varied massing to the rear of this group of three, including the dormer window to No 12 and the similar closet wing to No 8. In this context, the proposed rear dormer and closet wing extensions would integrate with the existing built form in an acceptable manner.
9. The proposed rooflights to the front would reflect numerous examples visible to properties on the surrounding streets. The rooflight to the flat part of the roof would

be a small projection that would not appear prominent in views from street level and would not disrupt the overall appearance of the dwelling.

External Materials

10. The Council raises concern in respect of the proposed application of insulated render to the rear elevation of the building, citing a lack of detail in respect of thickness, colour and the relationship to the window openings. The section plans before me show a minor additional thickness to the existing rear closet wing, but that the overall depth of the extension would align with the rear wall of No 12 with only a very modest additional depth attributable to the render. As the rear windows are to be replaced, it is reasonable to consider that they would be fitted to achieve an appropriate depth of reveal taking the thickness of the insulation and render into account. There are also sufficient examples of rendered and painted walls across the rear elevations of neighbouring dwellings, including the side wall of the closet wing to No 12, that the proposed rendered finish would not appear uncharacteristic or disruptive of a uniform palette of materials.
11. The Council has not otherwise objected to the proposed alterations to the rear fenestration, or the installation of timber decking to the rear courtyard. Given the aforementioned variety to the rear elevations along the terrace, I am satisfied that the proposed changes would integrate with the pattern of development. However, given the cumulative extent of façade changes proposed, a condition specifying the proposed external materials is necessary in the circumstances to ensure a satisfactory appearance is secured.

Air Source Heat Pump/Waste Collection

12. At the front, it is proposed to install an air source heat pump (ASHP) within the small front courtyard. The courtyard is presently used for bin storage in common with other properties in the street. The front boundary walls are low, allowing clear views into the front courtyard, although the site benefits from a taller dividing wall with the courtyard of No 8 compared to others in the street.
13. The plans indicate that the ASHP would be located against this taller wall to the side of the courtyard and would not be seen in views from the Colville Road side; however it would be plainly visible in views from the other side and when in front of the dwelling. Although the elevation drawing suggests that the ASHP would not obstruct the front windows, the specification sheet indicates side and rear air intakes but does not clarify whether certain clearances are required for this, and thus it is unclear if the proposed position tight to the side wall of the courtyard is achievable. Even in the proposed location, the ASHP would include necessary electrical connections and pipework and would have an intrusive, utilitarian presence immediately next to the public realm. The addition of necessary storage of three wheelie bins in the same limited space, whilst physically achievable, would create a cluttered and incongruous appearance to the front of the dwelling.
14. The appellant points to the installation of an ASHP constituting permitted development under Schedule 2, Part 14, Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), but highlights that the ASHP must be installed more than 1 metre from the boundary of the curtilage of the dwellinghouse, which would result in the ASHP sitting next to the front porch and in front of the ground floor window, with no practical location identified within the rear courtyard. I accept that there is a

potential fall-back position in this respect, but it is one that is, by the appellant's own admission, inferior in design terms and I am doubtful that the appellant would proceed to install the ASHP in a more intrusive location next to the front entrance. As such, I afford little weight to the fall-back position as a realistic alternative and it does not lead me to conclude that the proposed location would be acceptable as a less harmful option.

15. The Council's concerns with the location of the refuse bins is predicated on the installation of the ASHP. Should this not be installed, the bins would continue to be stored in the courtyard in the same manner as other properties in the street, but without the harmful, cluttered appearance that would result from the ASHP being added to the front of the property.

Conclusions on Main Issue

16. For the reasons set out, I conclude that the proposed rear and dormer extensions, rooflights, soil and vent pipe, alterations to rear and side fenestrations, removal of chimney and antenna, installation of external insulation on the rear and side elevations and timber decking steps within rear garden would cumulatively preserve the character and appearance of the area, in accordance with Policy 53 of the Waltham Forest Local Plan Part 1 (2024) and Policy D4 of the London Plan (March 2021), which together require development to achieve high quality design that reinforces and/or enhances local character and distinctiveness, taking into account factors including existing patterns of development, townscape, urban form and grain, building typologies and architecture. However, as set out above, the ASHP would cause significant harm to the character and appearance of the area, contrary to the aims of these same policies.

Other Matters

17. The Council did not refuse the application in respect of other matters, including the living conditions of neighbouring occupants. On the evidence before me, I have no reasons to conclude otherwise.

Conclusion

18. For the reasons set out, I conclude that the proposed ASHP would result in harm to the character and appearance of the area, in conflict with the development plan, to which I afford significant weight. I recognise that the ASHP would deliver improvements in energy efficiency and this would be a benefit of the proposal. However, the scale of this would be limited and would not outweigh the development plan conflict so as to justify granting planning permission. Therefore, I conclude that this part of the appeal should be dismissed.
19. However, I conclude that other proposed works accord with the development plan, taken as a whole, and as these are physically and functionally severable from the proposed ASHP, I conclude that this part of the appeal should be allowed, subject to a condition setting out the approved plans, to provide certainty, and a condition specifying the proposed external materials to ensure a satisfactory appearance.

K Savage

INSPECTOR