



Appeal Decision

Site visit made on 15 July 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 11th August 2025

Appeal A Ref: APP/U5930/W/25/3360672

13a Hoe Street, Waltham Forest, Walthamstow, London E17 4SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Neal Patel (Hexagon Homes) against the decision of Waltham Forest London Borough Council.
 - The application Ref 240299 sought approval of details pursuant to condition 3 of a planning permission, granted on 29/09/2020.
 - The application was refused by notice dated 29 January 2025.
 - The development proposed was the demolition of existing building and construction of a four storey building with refuse storage at ground floor level, to provide commercial use at ground floor and nine residential units at upper floors (3 x 1 bedroom, 4 x 2 bedroom, and 2 x 3 bedroom flats).
 - The details for which approval is sought are: Notwithstanding the indications on the approved plans, detailed drawings and samples of all materials (including balcony and window specification) to be used in the construction of the external surfaces the building hereby approved, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall thereafter be carried out solely in accordance with the approved details and thereafter retained as such for the lifetime of the development.
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Appeal B Ref: APP/U5930/W/25/3364639

13 Hoe Street, Waltham Forest, Walthamstow, London E17 4SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted
 - The appeal is made by Mr N Patel (Hexagon Homes) against the decision of Waltham Forest London Borough Council.
 - The application Ref is 250460.
 - The application sought planning permission for the demolition of existing building and construction of a four storey building with refuse storage at ground floor level, to provide commercial use at ground floor and nine residential units at upper floors (3 x 1 bedroom, 4 x 2 bedroom, and 2 x 3 bedroom flats), without complying with a condition attached to planning permission Ref 191031, dated 29 September 2020.
 - The condition in dispute is No 3 which states that: Notwithstanding the indications on the approved plans, detailed drawings and samples of all materials (including balcony and window specification) to be used in the construction of the external surfaces the building hereby approved, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall thereafter be carried out solely in accordance with the approved details and thereafter retained as such for the lifetime of the development.
 - The reason given for the condition is: In order to preserve and enhance the character of the area in accordance with policies CS12 and CS15 of the Adopted Waltham Forest Local Plan – Core Strategy (2012) and policies DM28 and DM29 of the Adopted Waltham Forest Local Plan – Development Management Policies (2013).
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Decision

1. Appeal A is dismissed
2. Appeal B is dismissed

Preliminary Matters

3. There are two appeals before me, which differ only in their approach to Condition 3, concerning the materials to be used for the external surfaces of the development. Appeal A also includes details submitted pursuant to Condition 26, which relates to measures for reducing water usage. However, as the Council raised no objections to these details, Condition 26 would likely have been approved had the Council not found issues with Condition 3. Nonetheless, both appeals are substantially similar in that they primarily address concerns related to Condition 3, which primarily relates to the suitability of the materials used. To avoid unnecessary duplication, I have considered both schemes together.
4. Based on my observations during the site visit, development has started and is close to completion. Nonetheless, my assessment of the proposal is based on the plans before the Council at the time of the applications. I will refer to the 'proposed development' throughout my decision, although certain aspects may already be completed.

Main Issue

5. The main issue in both appeals is whether the materials condition remains necessary, with regard to the character and appearance of the proposed development, and suitability of the materials used for both the brickwork and the roof.

Reasons

6. The surrounding high street features a diverse streetscape, with buildings ranging from the early 1800s to the present day. There is significant variation in form, scale, massing, materials, and architectural style, even between neighbouring properties. This built form includes traditional and modern residential developments, small and large flat complexes, single-storey shops with residential units above, and both ornate historic buildings and larger structures with varied fenestration. This diversity in architectural styles reflect the area's layered history, with modern flat-roofed buildings sitting alongside traditional pitched-roof forms. The material palette is equally varied, as older buildings typically use red brick with tiles, while newer developments utilise a broader range of materials, including metal and greater quantities of glass.
7. The appellant's materials study highlights an eclectic mix of building materials in the locality of the appeal site. Brick types alone span a wide variety of colours, such as dark red, light red, red multi, brown multi, yellow multi, yellow, cream, blue and grey. It also includes a number of brick finishes, including hand made, wire cut, speckled, machine pressed, riven, glazed, painted, smooth and rustic. Other materials noted include flat cementitious panels, flat powder coated panels (gloss and matt), flat seamed powder coated panels, flat seamed zinc, profiled powder coated panels, tile hanging, stucco render, stippled render and tiling. Based on my site visit observations, I have no reason to disagree with this assessment of the existing materials present within the locality.

8. Paragraph 140 of the National Planning Policy Framework ('Framework') confirms that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
9. Furthermore, the Framework seeks to achieve well designed places and encourages alignment with the National Design Guide. This guide emphasises that materials should be selected with care and sensitivity to their context. They should be attractive, practical, durable, and affordable, contributing to both functionality and local distinctiveness. In well-designed buildings, materials and details align with the design concept and are consistently applied through to completion. Their selection affects not only performance and longevity, but also how a development relates to its surroundings and is experienced. The scale, form, and appearance of a building help determine which materials are appropriate. As such, the choice of materials can greatly help new development to fit harmoniously with its surroundings.
10. The appellant's materials study indicated an intention to use yellow multi brick with riven /rustic finish. Key factors related to quality were cited for this choice, including durability, texture and compatibility with other materials. Following this, two separate materials schedules were submitted: Rev C (Appeal A) specifies facing brickwork with colour reference 232001, manufactured by Taylor Maxwell or similar, with Cemex light brown mortar or similar; Rev D (Appeal B) specifies facing brickwork using the Maranello brick by TBS, also with Cemex light brown mortar. Although the Council has noted a lack of clarity regarding the brick manufacturer, based on statements made by the appellant and my observations, it appears that the bricks referred to in Rev D have been used in the proposed development. Compared with the materials specified in Rev C, the bricks used in the development are darker in tone and have a rougher, more textured finish. The appellant has not explicitly confirmed the reason why this change occurred. While the Council has raised concerns about the potential use of brick slips, there is no evidence before me to suggest that anything other than full bricks have been used. In any event, given the varied street scene and the range of materials present in the locality, I am satisfied that the use of TBS Maranello bricks on the primary elevations of the development is acceptable.
11. However, during my site visit, I also observed that the lower courses of brickwork on the street-facing elevation and parts of the side elevation differ significantly in colour from those used on the upper courses. These lower bricks are darker, with an orange hue, resulting in a stark visual contrast between the base and upper sections of the building. The manufacturer or specification of these lower bricks is unclear.
12. The presence of additional bricks of unknown origin, differing in colour and finish from TBS Maranello bricks, presents a significant issue. Although the surrounding context features a variety of materials, the deviation from the specified brick type and the lack of clarity regarding the manufacturer and quality of the lower-level bricks undermines the development's ability to integrate with its surroundings. No other modern buildings in the locality were observed to use this visual approach, which detracts from the development's ability to contribute to local distinctiveness. Furthermore, the submitted visual plans do not depict this split use of brick materials. Instead, they suggest the use of a material which would be consistent

with the shopfronts, as a recessed, possibly metallic, grey element. These cumulative issues affect the ability of the proposed development to fit harmoniously with its surroundings, irrespective of the variety of building forms and finishes in the area. There is very limited evidence before me to explain or justify this alteration, including why it was necessary.

13. As such, the partial use of these different bricks along the lower courses materially diminishes the quality of the development to an unacceptable level, resulting in a harmful effect on the overall appearance of the area.
14. The appellant states that the fascias and copings at roof level are constructed from pre-formed aluminium flashing, powder-coated to match the standing seam cladding colour (RAL 7043). The metal cladding system used is Vieo vertical standing seam. The Council refers to the original design code for the development, which specified 'standing seam zinc' for the roof-level cladding; however, this document has not been submitted with the appeal. In any event, both materials schedules, Rev C and Rev D, refer to "Vieo standing seam vertical cladding – Grey or similar," which appears to align with the materials currently in use on site. It is therefore likely that the originally specified zinc cladding has been substituted with aluminium. While this constitutes a material change, the aluminium cladding shares similar visual characteristics with zinc. There is no evidence before me to suggest it is unsuitable in terms of durability, longevity, texture, or compatibility with other materials. Within the context of other modern developments in the area, the colour and finish appear consistent with similar metal-clad buildings. Accordingly, the material relates well to its surroundings and integrates with the local context.
15. In respect of Appeal A, I am not satisfied that the submitted details pursuant to Condition 3 demonstrate compliance with the requirements for external materials, including balcony and window specifications. While I have found that the main brickwork is acceptable, the appearance and absence of sufficient detail regarding the lower course of brickwork prevents me from concluding that the condition has been satisfactorily discharged.
16. In relation to Appeal B, I am not persuaded that the condition should be varied or removed. Condition 3 serves a clear planning purpose in preserving and enhancing the character of the area, and the evidence before me does not justify its removal or modification. Accordingly, I find that the condition remains necessary and reasonable in all other respects.
17. I find that the materials condition remains necessary to ensure that the quality of approved development is not materially diminished, particularly in relation to the brickwork. Consequently, the proposal would not provide appropriate safe and legible physical and visual connections that knit well into surrounding streets, routes and public realm. It also fails to respect the amenity of the surrounding area. As such, the development would be contrary to Policies 53 and 57 of the Waltham Forest Local Plan (2024).

Other Matters

18. The appellant considers that there was significant delay in the determination of this application, and that due to related financial pressures and delays in discharging Condition 3, they had no alternative but to proceed with development beyond the slab level before the condition was formally discharged. The Council, however,

states that the delay was intended to facilitate further discussion between its officers and the appellant's architects. Regardless of these differing perspectives, I have reached my own conclusions. I am unable to conclude that any delay in the approval process justifies non-compliance with relevant planning conditions. Accordingly, this consideration carries limited weight and does not outweigh the harm identified under the main issues or the resulting conflict with the development plan.

Conclusion

19. The proposals conflict with the development plan taken as a whole and material considerations do not indicate that these appeals should be determined other than in accordance with it. Therefore, for the reasons set out above, I conclude that these appeals should be dismissed.

S Lo

INSPECTOR