

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 7th July 2026
Application reference:	260974
Applicant:	Winston Southwell
Location:	5 Forest Road, Leytonstone, London, E11 1JT
Proposed development:	Construction of a single storey rear extension and first floor rear extension
Wards affected:	Forest
Appendices:	None

1. RECOMMENDATION

1.1 That Planning Permission be **GRANTED** subject to conditions and informatives.

2. REASONS REFERRED TO COMMITTEE

2.1 The case has been referred to Committee due to the councillor call in.

3. SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises a two-storey, mid-terrace, single family dwellinghouse, located on the southern side of Forest Road, E11. The property benefits from an existing part single, part 2-storey rear projection from the original back wall.
- 3.2 The existing ground floor projection has a mono pitched roof and the first-floor projection provides a dual pitched roof. Both projections would be demolished as part of the proposed scheme.
- 3.3 To the eastern side, no. 3 Forest Road is a larger terraced property with an original 2-storey outrigger, and a single storey extension at the end, with the side return along the boundary with the proposal property. The property has windows on the rear elevation of the main part of the house (with the ground floor window facing into the side return) and windows in the side elevation of the outrigger and rear extension, facing the application property, as well as rooflights in the rear extension. At roof level the property has been extended with a rear facing dormer window. The property at no 3 Forest Road, is set back from the frontage with a front garden and the flank elevation extending further to the rear than the application property.
- 3.4 To the western side, no. 7 Forest Road is similar in scale with the proposal property, and benefits from a recently constructed two-storey rear projection, granted planning permission under application reference 230675 on 20 May 2021. This development was carried out jointly with no.9 Forest Road, the difference being the finishing materials and roof design.
- 3.5 In contrast to the rest of the street, the short terrace run of nos. 5-9 Forest Road, which share the same footprint, lack front gardens being set up to the pavement edge.

- 3.6 The surrounding area is characterised by properties of varying designs and scale that have undergone alterations over time, including single- and two-storey rear extensions, as well as roof-level dormer extensions.
- 3.7 All the properties along this side of Forest Road generally benefit from generous rear gardens, with south-facing rear elevations that allow for good levels of daylight and sunlight.
- 3.8 The site lies within the Leytonstone Conservation Area and opposite the site is Leytonstone School. The application property is neither listed nor locally listed; however, it is subject to an Article 4 Direction restricting the use of permitted development rights that affect the front elevation of the dwellinghouses, as well as borough-wide restrictions relating to changes of use from Class C3 (single family dwelling house) to C4 (small house in multiple occupation).



Figure 1: Showing Aerial view of 5 Forest Road



Figure 2: Showing Location Plan of 5 Forest Road

4. APPLICATION PROPOSAL

- 4.1 The proposal involves the demolition of the existing part single, part two-storey rear projection and the construction of a single-storey wraparound extension and a first-floor rear extension.
- 4.2 The proposed ground-floor extension would be to the full width of the property and have an overall depth of approximately 6.4m from the original rear wall. As the adjacent property at no.3 Forest Road is set further back than the proposal property, its flank wall projects approximately 2.6m past the existing rear wall at no.3 Forest Road. The proposed extension would therefore project 3.7m from the rear flank wall of no.3 Forest Road.
- 4.3 The height of the eaves to this extension would be 2.3m along the boundary with no.3 Forest Road with an overall height of 2.7m.
- 4.4 On the side adjacent to no.7 Forest Road, the extension would be to the same depth and height as the existing neighbouring extensions along the terrace with a depth 6.4m and a height of 2.7m, with a flat roof.

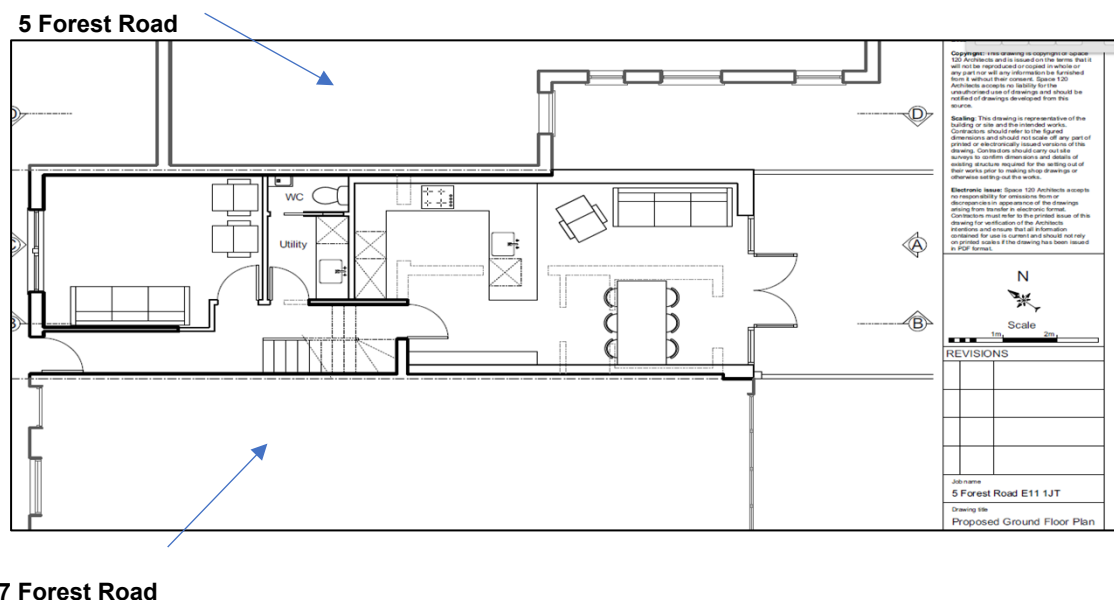


Figure 3: Proposed Ground Floor Plan

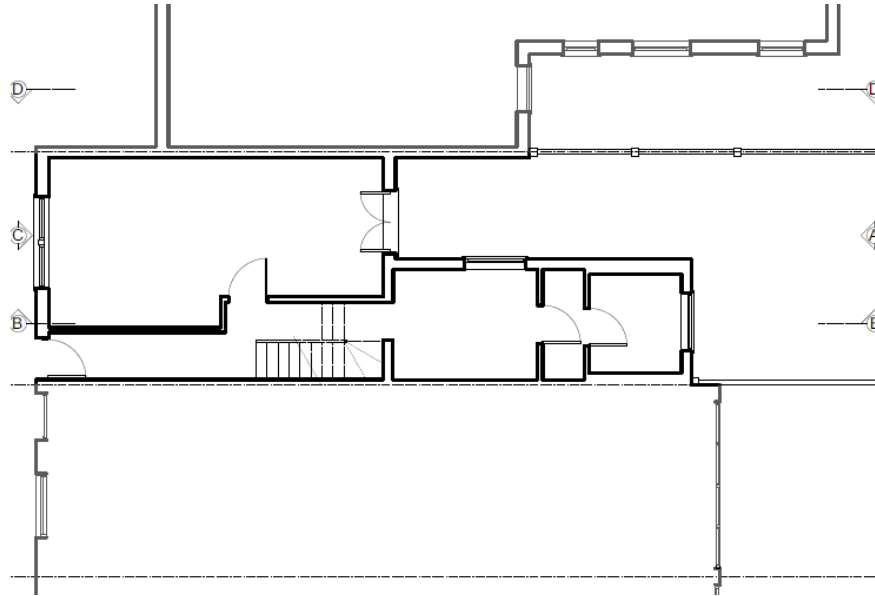


Figure 4: Existing Ground Floor Plan

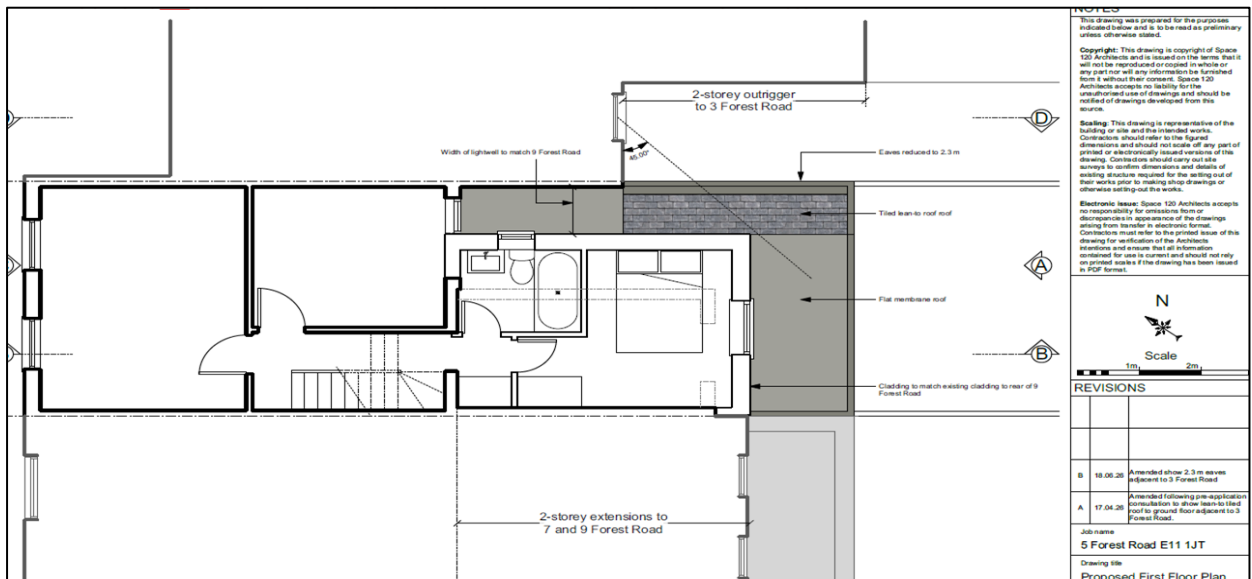


Figure 5: Proposed First Floor Plan

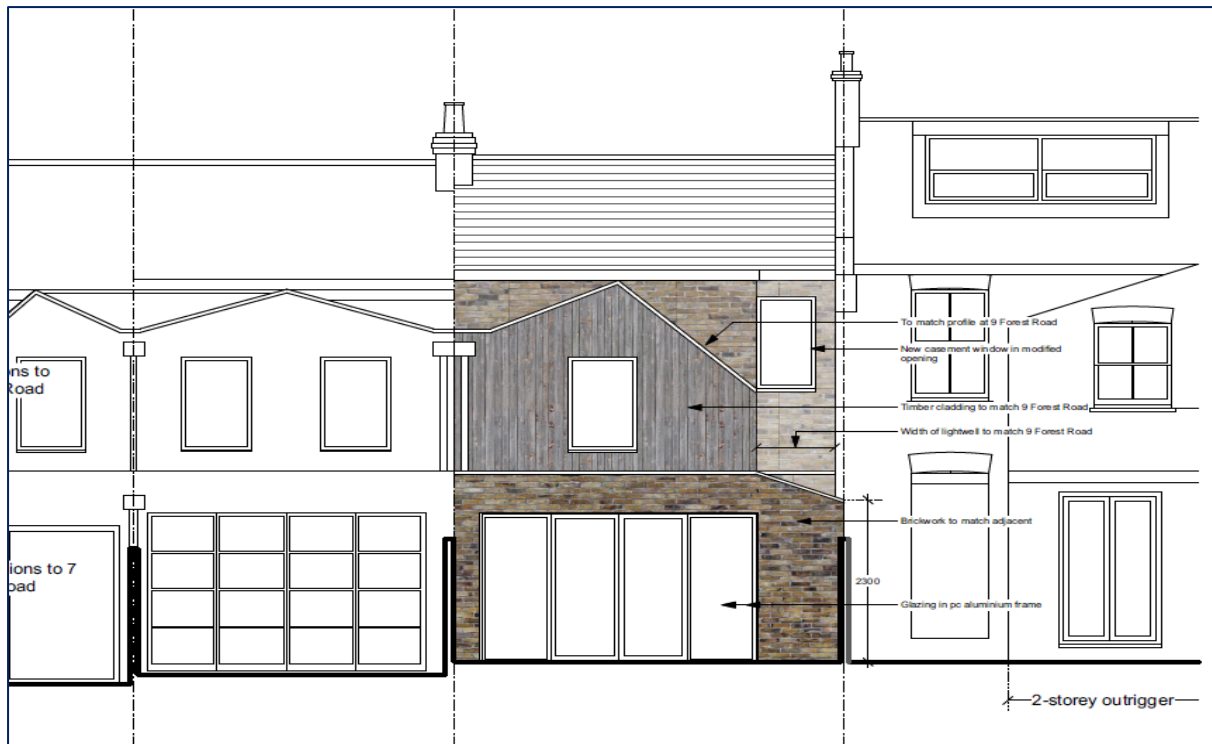


Figure 8: Proposed Rear Elevation

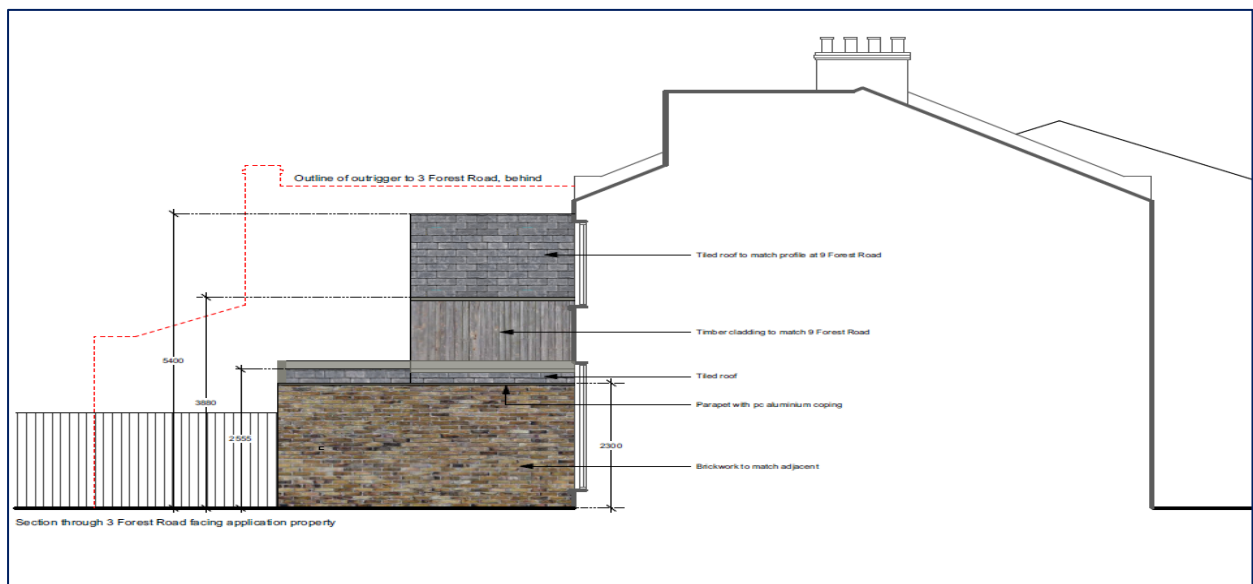


Figure 9: Proposed Flank elevation from No.3 Forest Road

- 4.5 The proposed rear first-floor addition would have a maximum height of 5.4m from ground level with a width of 3.5m and overall depth of 4.6m to match those at nos.7 and 9 Forest Road.
- 4.6 The roof design would comprise of two parts, a part flat roof area attached to the back wall, for a depth of 2.6m and an asymmetrical gable roof for the remainder. This would result in a much lower eaves height where it faces no.3 Forest Road, with the eaves being 3.8m from ground level.

- 4.7 The overall height of proposed first floor element would be slightly higher, at 5.4m than the existing first-floor addition, which is 5.2m. The total width of the proposed first floor extension would be 3.5m which would be greater than the existing width of the first-floor addition, which is 2.4m.
- 4.8 The ground floor extension would be finished in matching brickwork and the first-floor extension would be finished in cedar wood cladding in keeping with No.9 Forest Road.

5. RELEVANT HISTORY

Planning

- 4.9 2006/0070: Installation of new slate roof and double-glazed windows and main door at front. Removal of pebbledash to render. (Approved 03/03/2026)
- 4.10 260060 Construction of a single storey rear extension and first floor rear extension together with installation of a green roof. Refused 12/03/2026. The reasons for refusal were as follows:
1. *The proposed first floor extension, by reason of its overall depth, excessive width and awkward roof profile, would cumulatively result in an unacceptable bulk and poor design quality, representing an unduly dominant and bulky addition which visually appears insubordinate and out of keeping with the general scale and character of the original host dwelling and wider Conservation area. The proposed first-floor extension is therefore contrary to Policy D4 of the London Plan (2021) and Policies 53 and 72 of the adopted Waltham Forest Local Plan LP1 (2024).*
 2. *The proposed ground and first floor rear extensions, by reason of its excessive depth, height and proximity on the common boundary, represents a highly dominant, bulky and a visually oppressive form of development which would have a detrimental impact on the residential amenity of the occupiers at No. 3 Forest Road that would result in the loss of outlook, increase sense of enclosure and diminished access to natural light and overshadowing, contrary to Policy 57 of the adopted Local Plan Part 1 (2024).*
- 4.11 Within this previous application the proposed ground floor extension had an overall depth of 6.3m, featuring a flat roof to a height of 2.8m across the full width of the site. It included a parapet wall on the rear facing elevation, to a height of 3m. The wall along the shared boundary with No. 3 Forest Road had a height of 2.6m.
- 4.12 The proposed first-floor addition had a maximum height of 5.5m from the ground level, an increased height of 300mm when compared to the existing first floor addition. The eaves height of the proposed first-floor extension was 3.5m from the ground level with a width of 3.6m, being greater than the existing first floor addition, which is 2.4m. The scheme also included the creation of a green roof at first floor level with a depth of 2.3m and a width of 0.8m.



Figure 10: Showing the rear elevation of refused application ref. no.260060

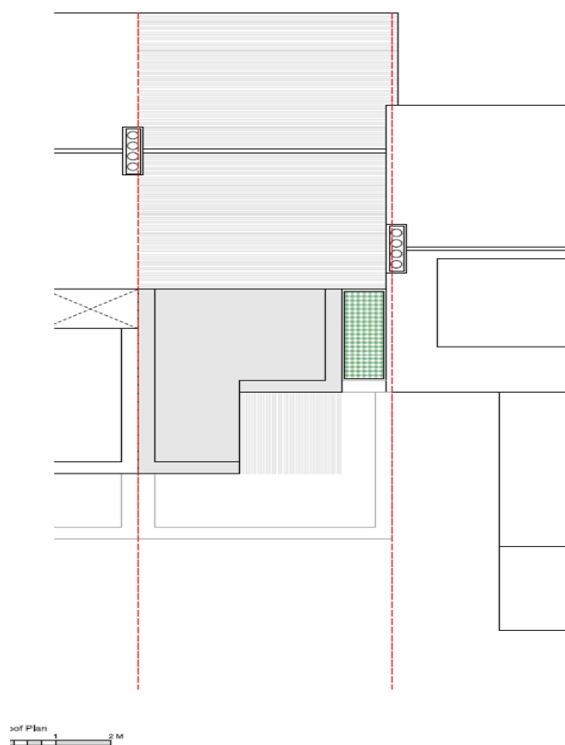


Figure 11: Showing proposed roof plan of refused application ref.no.260060

Pre-application

4.13 There is a following pre-application for the site:

PRE_26_0092 Pre-application advice was sought for the following works:

“The construction of part two-storey, part single-storey rear extension”

- 4.14 The submission sought to address the reasons for refusal of application 260060.
- 4.15 The first-floor element had a reduced depth of 2.6m with a maximum height of approximately 5.m from the ground level, a height of 4.7m on the shared boundary with No.7 Forest Road and a height of 3.9m on the shared boundary with No.3 Forest Road.
- 4.16 The proposed ground floor element had a depth of 6.3m with a flat roof of 2.7m that dropped down to 2.4m on shared boundary with No.3 Forest Road. This element was to be finished in brickwork to match to the existing house.
- 4.17 The advice given was that the scheme would be acceptable if the following considerations were taken into account at formal planning application stage:
- *With regards to proposed first-floor extension this was considered acceptable, in principle. However, it was advised that the ridge height of the extension should not conflict with the eaves of the original dwelling. The highest point of the first-floor extension must remain below the eaves level of the host property. Additionally, officers had concerns regarding the proposed external finish, which should be more clearly demonstrated to be appropriate and in keeping with the surrounding properties.*
 - *The proposed ground floor extension should be designed with a mono-pitched roof form on shared boundary with No.3 Forest Road. The eaves height of the infill extension should ideally not exceed 2.3 m.*
 - *Full details of the proposed materials, including RAL colour reference numbers and manufacturer's brochure specifications, should be submitted at the application stage.*
 - *Conclusively, if due regards were given to above design parameters the proposal is unlikely to result in any significant harm to neighbouring residential amenity.*



Figure 12: Showing proposed rear elevation submitted at pre-application stage ref.no.PRE_26_0092

Planning Enforcement

4.18 There is no enforcement history.

Neighbouring Properties

4.19 3 Forest Road has no planning history.

4.20 7 and 9 Forest Road has history of following 2 joint planning applications.

- 213747: Variation of Condition 2 (Approved Plans and Documents) and Condition 3 (Windows) attached to planning permission reference 203675 granted 07/05/21 to allow the installation of opaque glazed eaves roof light to side elevation. Approved 11/02/2022
- 203675-Demolition of existing single storey rear extension and construction of two storey rear extension. Alterations to the front facade involving the removal of render and reinstating the front door on 7 Forest Road and reinstating the windows and front door on 9 Forest Road (Amended description and plans). Approved 07/05/2021

6. PUBLIC CONSULTATION

4.21 A site notice was displayed Dated: 30/04/2026

4.22 A press notice was published Dated: 30/04/2026

4.23 The Council issued 10 consultation letters to neighbouring properties. The following properties were consulted:

- 3- 9 (odds) Forest Road, Leytonstone, London, E11 1JT
- Ground and First floor flats at 321- 325 (odds) Hainault Road, Leytonstone, London, E11 1ES

4.24 As a result of the public consultations, 1 response was received.

Objections (summarised)	Officer Response
<p>Overdevelopment, Scale and Density</p> <ul style="list-style-type: none"> • Concerns about overdevelopment and excessive density, particularly given existing subdivision nearby. • The full-width first-floor extension is seen as disproportionate and inappropriate. 	<p>The character of the surrounding area has changed considerably during the last hundred years. Provided the development complies with planning policy and guidelines the Council would not resist the grant of planning permission. The proposal will provide a new toilet at first floor level along with improved layout of rooms at first floor level and ground floor level. There is no increase in number of rooms of the property.</p> <p>In relation to the first-floor extension, this would be of a similar scale to those at nos. 7 and 9 Forest Road, which were granted planning approval in 2021 and found to be appropriate in relation</p>

	to the existing houses and conservation area location.
Poor Existing Boundary Condition along with structural and safety concerns:	These are civil and party wall matters which needs to be resolved between the relevant parties.
<p>Design, Visual Impact and Heritage</p> <p>The scheme is considered visually intrusive, with poor impact on the character of the area, especially within the Leytonstone Conservation Area.</p>	The proposed works are restricted to the rear of the site and not visible from the street, there would therefore be no impact on the Conservation Area, and the Council's conservation officer raised no objections to the proposed scheme.
<p>Impact on Living Conditions (Light, Privacy, Enclosure)</p> <ul style="list-style-type: none"> • Loss of light, with no robust daylight/sunlight assessment provided. • The development would result in increased enclosure, negatively affecting outlook and habitability. • Loss of privacy due to proximity and scale of the extension. • Overall harm to health and wellbeing, especially due to reduced light and sense of confinement. 	This is a material planning consideration and will be assessed in the amenity assessment section below.
<p>Inadequate Supporting Information</p> <ul style="list-style-type: none"> • Lack of clear and accurate drawings, including inconsistencies in measurements. • Absence of 3D visuals, sectional drawings, and comparative analysis, making it difficult to properly assess impact. • Reliance on limited tools (e.g. 2D drawings, 45-degree rule) instead of thorough technical assessments e.g. BRE daylight/sunlight assessment 	<p>The submitted information is sufficient to ensure the extent of proposed development.</p> <p>Corrections to the plans have been sought during the lifetime of planning application.</p> <p>A full BRE is not required by policy or guidance and is not considered proportionate for householder developments; the proposed scheme is not likely to cause an unacceptable loss of daylight or sunlight to warrant a refusal.</p>

<p>Misleading comparisons with Nos. 7 and 9: Those properties are not comparable due to different layouts, depths, and positioning; they do not experience equivalent impacts.</p>	<p>The scheme would be determined based on its own planning material considerations. Reference has been made to the development No.7 and No.9 Forest Road as the proposal would be similar in scale and design, such that from the rear the development would read as a co-ordinated extension scheme in the terrace</p>
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7. OTHER CONSULTATIONS

4.25 The following internal and external consultees were consulted, with comments provided below:

Table 1: summary of internal responses

Consultee	Comments
Design and Conservation Lead	<p>The amended proposal is considered acceptable in principle and demonstrates clear improvements in response to earlier conservation concerns. Key revisions include a reduction in eaves and ridge heights, which reduces the perceived bulk and ensures the extensions appear more subordinate to the host dwelling. The revised design also limits impacts on neighbouring amenity, particularly in relation to No. 3, by reducing enclosure and improving outlook.</p> <p>The updated material palette, including the use of cedar cladding, enhances the relationship with neighbouring properties, particularly No. 9, and contributes to a more cohesive appearance across the terrace. The proposal now better reflects the established pattern and character of rear extensions within the Conservation Area.</p> <p>Overall, the amended scale, massing, and design approach are considered sympathetic to the host building and its surroundings. Subject to conditions securing detailed materials and design detailing, the development is acceptable and would preserve the character and appearance of the Conservation Area.</p>

8. DEVELOPMENT PLAN

4.26 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- A) the provisions of the development plan, so far as material to the application.

B) any local finance considerations, so far as material to the application; and any other material considerations.

4.27 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Waltham Forest comprises the Waltham Forest Local Plan LP1 (2024), and the London Plan. Other planning policies are material considerations.

The London Plan (2021)

4.28 The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital from 2019 to 2041.

4.29 The relevant policies within the London Plan 2021 relevant to this application are considered to include but not limited to:

- D1 London's form, character, and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D6 Housing quality and standards
- HC1 Heritage conservation and growth

Shaping the Borough – Waltham Forest Local Plan LP1 (2024)

4.30 The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October 2020 and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1.

4.31 The relevant policies are:

- Policy 53 Delivering High Quality Design
- Policy 57 Amenity
- Policy 72 Conservation Areas
- Policy 79 Biodiversity

9. MATERIAL PLANNING CONSIDERATION

National Planning Policy Framework (2024)

4.32 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It is material

consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.

- 4.33 For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".
- 4.34 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high-quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes'
- 4.35 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Making effective use of land
 - Achieving well-designed places
 - Conserving and enhancing the historic environment

National Design Guide: Planning practice guidance for beautiful, enduring and successful places (Jan 2021)

- 4.36 This sets out the ten characteristics of good design: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. The purpose of ensure all forthcoming future developments are of high-quality design and standard in its entirety.
- 4.37 **Supplementary Planning Document "Residential Alterations and Retrofit" (2026).**

10. LOCAL FINANCE CONSIDERATIONS

- 4.38 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).
- 4.39 There are no grants which have been or will or could be received from central government in relation to this development.
- 4.40 The Council has not received and does not expect to receive income from LBWF CIL in relation to this development.
- 4.41 The Council has not received and does not expect to receive income from Mayoral CIL in relation to this development.

11. ASSESSMENT

4.42 The main issues for consideration, in relation to the proposed development are as follows:

A. Urban Design

B. Residential Amenity

C. Biodiversity

A. Urban Design

- 4.43 Policy D1 of the London Plan (2021) states that change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive. Boroughs should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change. Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued.
- 4.44 Policy HC1 also ensures that developments should be sympathetic to the historic environment and heritage assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the appearance of the conservation area.
- 4.45 Policy 53 of the Waltham Forest Local Plan LP1 (2024) seeks to ensure developments are a high quality and enhance local character in relation to the architectural integrity of the existing building and the surrounding area.
- 4.46 Supplementary Planning Document "Residential Alterations and Retrofit" (2026) provides guidance for residential extensions and clearly states that where there is no existing extension at neighbouring property, the extension height shall be lowered to a maximum height of 2.4m on eaves. Furthermore, where planning permission is required, rear extensions are expected to demonstrate a high standard of design quality. An illustration of the guidance is given below

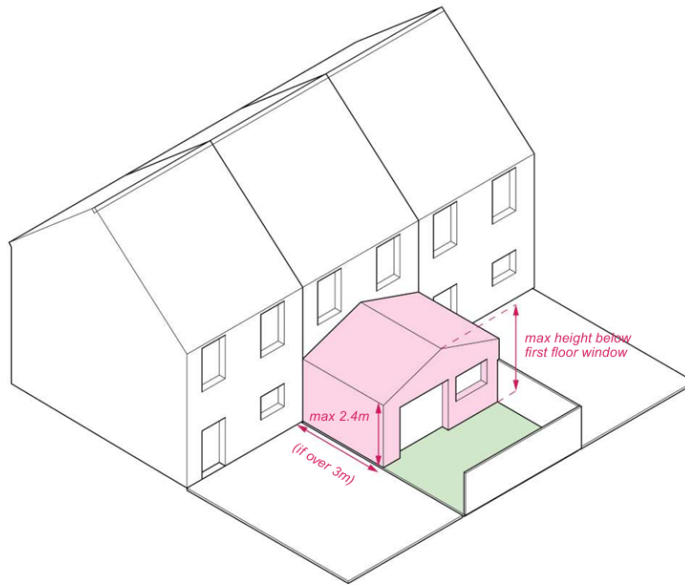


Fig. 30 Terraced house with a full-width single storey rear extension, should be no higher than 2.4 on the boundary

Figure 13: Showing extract from Supplementary Planning Document “Residential Alterations and Retrofit” (2026)

- 4.47 The application site forms part of a terrace comprising Nos. 1–53 (odd) Forest Road, E11. Properties within this terrace typically feature rear additions of varying depths and widths at ground floor level, with a smaller number also benefiting from first-floor rear extensions. Not all of these extensions have an associated planning history, it is likely that a number are original, others will have been constructed under permitted development rights, or with planning permission. As such, rear extensions represent an established and accepted pattern of development within the terrace and general area.
- 4.48 The location of the application within a conservation area, is an important material consideration. Notwithstanding this designation, it is evident that most of properties within the terrace have been extended to the rear, including at first-floor level and with roof alterations such as dormers. In this context, the principle of further rear extensions is not considered to be inconsistent with the established character or development pattern.
- 4.49 The Council is satisfied that the proposed single-storey ground-floor extension would not harm the character or appearance of the property given the presence of other ground floor extensions (notably at Nos. 7, 9 and 13) of similar scale and massing.



Figure 14: Showing the site photographs showing the neighbouring rear elevations at 7 and 9 Forest Road, as well as that at 3 Forest Road

- 4.50 The proposal also includes a first-floor rear addition following the demolition of the existing rear projection. It is noted that the original outrigger at first-floor level would be lost and replaced with a new extension, though slightly wider, incorporating a part flat roof and a part dual pitched roof form with suitable ridge height from the ground level.
- 4.51 This extension, by reason of its acceptable width and height, would satisfactorily appear subordinate to the main dwelling when viewed from the surrounding area thereby remaining in keeping with the established proportions.
- 4.52 The design approach and roof form are considered sympathetic, coherent with the architectural style of the host property and its immediate context. The surrounding terrace is characterised by a consistent pattern of dual-pitched first-floor rear extensions, which contribute positively to the uniformity and visual rhythm of the row. The proposed development would not detract from the cohesive character of the terrace.
- 4.53 There was a concern raised regarding the potential visual impact of the proposal; however, it is noted that the height of the rear extension has been reduced along the boundary with No.3 Forest Road and alterations have been made to the scale and footprint of the previously refused first floor element. The pitched roof form further helps to articulate the extension and break up its overall scale.
- 4.54 The representation raised concerns regarding overdevelopment of the site. However, the proposal reflects the established built form within the terrace at both ground and first-floor levels. The use of appropriate materials and a design approach that responds to the existing context ensures that the development would integrate successfully with its surroundings. Similar forms of development already contribute to the prevailing character of the area. The proposal would not therefore appear incongruous, nor would it set an undesirable precedent for future extensions.
- 4.55 The proposed finishing materials include brickwork and cedar wood cladding, which would help to soften the appearance of the extension and add visual interest in the terrace.

- 4.56 Overall, given the immediate context, planning precedents and materials, the proposed works are considered appropriate additions to the application property, with respect to the existing built form.

B. Residential Amenity

- 4.57 Policy D6 of the London Plan (2021), along with Policy 57 of the Waltham Forest Local Plan LP1 (2024) seek to maintain the amenity of occupiers of adjoining properties in terms of daylight/sunlight, sense of enclosure, outlook and privacy. The Residential Alterations and Retrofit SPD (2026) states that where adjacent terrace or semi-detached properties are without an existing extension adjacent to the boundary, single-storey rear extensions exceeding 3m in depth should not exceed a height of 2.4m at eaves level on the shared boundary, measured from the adjoining property with ground level differences taken into account. Furthermore, where planning permission is required, rear extensions are expected to demonstrate a high standard of design quality.

3 Forest Road

- 4.58 The neighbouring property at No. 3 Forest Road benefits from an original two-storey rear outrigger and has a larger built footprint than the application site at No. 5. The flank elevation of No. 3 projects beyond the application property at the rear and the site also includes a rear extension and dormer roof addition.
- 4.59 The proposed ground floor rear extension would extend to a depth of approximately 6.4m along the shared boundary, of which around 3.7m would project beyond the rear flank wall of No. 3.
- 4.60 At ground floor level, there are three windows within the flank elevation of No. 3, serving an open-plan kitchen and living area. In accordance with the Residential Alterations and Retrofit SPD, the proposed extension would have an eaves height of approximately 2.3m along the shared boundary beyond the rear flank wall of No. 3.
- 4.61 This height would be marginally higher (by approximately 0.3m) than a standard 2m boundary fence, typically permitted under permitted development. Furthermore, the proposal does not include any new flank windows, thereby avoiding additional overlooking or loss of privacy.
- 4.62 Given the relative height, relationship to the neighbouring flank wall, and absence of side openings, the proposal is not considered to result in an unacceptable level of enclosure, loss of light, or harm to neighbouring amenity, and is therefore consistent with the aims and objectives of relevant policy and guidance.
- 4.63 In relation to the first-floor extension, the revised design incorporates a combination of flat roof and asymmetrical gable roof forms, reflecting the character of nearby extensions, including No. 9 Forest Road. The flat roof element would not project beyond the depth of the existing flank wall at No. 3, while the sloping roof form beyond this point serves to reduce the visual mass and bulk. This approach and the depth of the first-floor extension ensures compliance with the 45-degree guideline and helps to mitigate potential impacts on daylight and outlook.

- 4.64 It is considered that the cumulative impact of the proposed ground and first floor extension, by reason of their height and projecting depth, would not result in any discernible adverse impact on the neighbouring occupier. As such, the proposal successfully meets the requirements of policy 57. SPD Residential Extensions and Retrofit (2026)?

7 Forest Road

- 4.65 The property at No.7 Forest Road benefits from an existing ground floor and first floor extension.
- 4.66 With regards to proposed ground floor element, the scheme would be in line with the existing extension at No.7 which has a similar footprint to the ground floor and first floor extensions. As such, it will not raise any amenity concerns relating to overbearing impact or result in significant levels of loss of light, outlook or privacy concerns.
- 4.67 The proposal successfully meets the requirements of Policy 57 of the Waltham Forest Local Plan (2024) and the Residential Alterations and Retrofit SPD (2026).

C. Biodiversity

- 4.68 Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) specifies that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:
- a Biodiversity Gain Plan has been submitted to the planning authority, and
 - the planning authority has approved the plan.
- 4.69 All planning permissions granted in England have to deliver at least 10% biodiversity net gain, effective from 12 February 2024. The biodiversity gain condition does not apply to some types of development, including householder development. Therefore, this proposal is exempt from the BNG requirement.

12. ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 4.70 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
- 4.71 Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- 4.72 Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

- 4.73 Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 4.74 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 4.75 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balance against other relevant factors.
- 4.76 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 4.77 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.
- 4.78 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

13. CONCLUSION

- 4.79 The proposal is recommended for approval as it would not cause unreasonable visual nor amenity harm, the development would comply with policies D1, D6 and HC1 of the London Plan (2021), Policies 53, 57 and 72 of the adopted Waltham Forest Local Plan LP1 (2024) and the Residential Alterations and Retrofit SPD (2026).
- 4.80 The report has considered the proposals in light of the adopted development plan policies and other material considerations or representations relevant to the environment effects of the proposals.
- 4.81 Overall, officers have given careful consideration to the material considerations and where impacts are forecast to arise from the proposed development, adequate mitigation measures have been introduced to make the proposed development acceptable in planning terms.

14. RECOMMENDATION

- 4.82 The Planning Committee is recommended to grant planning permission subject to the conditions and informatives below.

4.83 Planning Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents and thereafter maintained as such for the lifetime of the development:

- Location Plan Dated:20/04/2026
- Fire Safety Strategy Undated
- Planning Statement Dated:17/04/2026
- Existing Ground Floor Plan 101 (/) Dated:17/03/2026
- Existing First Floor Plan 102 (/) Dated:17/03/2026
- Existing Roof Plan 104 (/) Dated:17/03/2026
- Existing Rear Elevation A 105 (/) Dated:28/01/2025
- Existing Flank Elevation B 106 (/) Dated:28/01/2025
- Existing Street Elevation C 107 (/) Dated:28/01/2025
- Existing Flank Elevation D 108 (/) Dated:28/01/2025
- Proposed Ground Floor Plan P01 (/) Dated:23/03/2026
- Proposed First Floor Plan P02 (B) Dated:18/06/2026
- Proposed Roof Plan P04(/) Dated:23/03/2026
- Proposed Rear Elevation A P05 Rev(A) Dated:17/04/2026
- Proposed Section B P06 Rev(A) Dated:17/04/2026
- Proposed Section C P07 Rev(/) Dated:23/03/2026
- Proposed Section D P08 Rev(B) Dated:18/06/2026

REASON: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the proposed development, full details of the proposed brickwork and cedar wood cladding must be submitted to the Local Planning Authority for approval, and the development completed in accordance with the approved details.

4.84 **REASON:** To safeguard the visual amenities of the area and the character of the surrounding area in line with Policies 53 and 72 of the adopted Waltham Forest Local Plan LP1 (2024) and the Residential Alterations and Retrofit SPD (2026).

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and/or re-enacting that Order, no windows shall be inserted into the side elevations at first floor level of the development hereby permitted, without the prior written approval of the Local Planning Authority.

4.85 **REASON:** To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining property, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024) and the Residential Alterations and Retrofit SPD (2026).

5. The roof area of the development hereby approved shall not be used as a balcony, roof garden or sitting out area at any time.

REASON: To preserve the privacy and amenities of the adjacent property occupiers, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024) and the Residential Alterations and Retrofit SPD (2026).

Informatives

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions
2. This determination does not constitute permission to build under the Building Regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
3. This notice is without prejudice to your responsibilities under any other legislation.
4. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and eaves overhang, will encroach on, under or over adjoining land. The applicant is advised that this decision does not override the legal ownership rights of any neighbours, nor does it convey any permission that may be required under the Party Wall Act.