

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 7 th July 2026
Application reference:	260713
Applicant:	Mr and Mrs Poulton
Location:	21 East View, Chingford, London, E4 9JA
Proposed development:	Planning application for retention of a single storey rear extension with bi-folding doors and a raised rear terrace with metal balustrades and access steps.
Wards affected:	Larkswood
Appendices:	None

1 RECOMMENDATION

1.1 Recommendation to GRANT planning permission subject to conditions.

2 REASONS REFERRED TO COMMITTEE

2.1 The application has been called in by Councillor Saumarez.

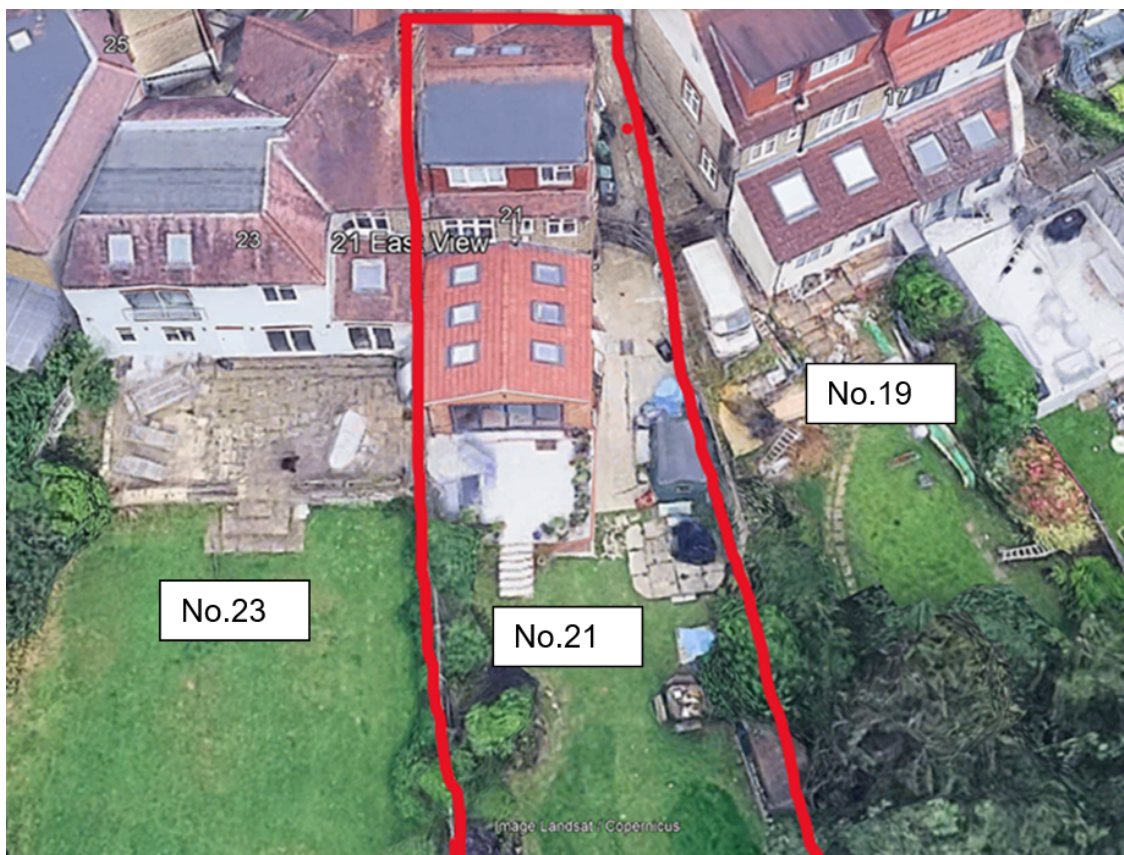
3 SITE AND SURROUNDINGS

3.1 The application site comprises of a two-storey semi-detached residential property located on the western side of East View, Chingford. The property is located on a bend in this cul-de-sac. The property is brick built with a brick and pebbledash finish; similar features found on other properties on the street. It is noted that the ground level drops away significantly at the property's rear by approx. 920mm.

3.2 The property has been extended by way of a single storey rear extension, with six rooflights located in its dual pitched roof. The extension has been constructed upon a raised rear patio terrace 1m in height that has a depth of 10m as measured from the property's original rear wall. The constructed extension has a depth as measured from the original rear wall of the property, of 5.8m, a width of 6m, and a maximum height of 3.9m and eaves of 2.58m, all as measured from the raised rear terrace. The extension has left a gap 236mm between the flank of the structure and the boundary with the property at 23 East View.

3.3 The neighbouring property at 19 East View has been extended at its rear by a 3m rear extension positioned across its rear elevation. There is a separation distance of 3-4m between the site of the subject extension and the boundary with this neighbouring property which is located on a lower rear garden ground level.

- 3.4 The neighbouring property at 23 East View has been extended by way of a part two, part-single storey rear extension 3m in depth that extends across its rear elevation and is positioned up to the boundary with the subject property. The property in addition has a raised rear patio that extends a further 4.3m into the rear garden at a height of 769mm above the lower garden ground level.
- 3.5 The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction other than the change of use between Use Class C3 and C4, which is borough wide.
- 3.6 The photograph below, shows the subject property's constructed single storey rear extension on its raised terrace, with both adjacent neighbouring properties to each side.



4 APPLICATION PROPOSAL

- 4.1 The application seeks permission for the retention of a single storey rear extension with bi-folding doors and a raised rear terrace with metal balustrades and access steps.
- 4.2 Under application 213832 a scheme was approved for a 5m depth rear extension with a height of 4.88m from the lower garden level and an eaves height of 3.6m from lower garden level. The extension was to be constructed on an existing raised rear patio just under a metre in height. The approved extension had a width of 6.17m set to the boundary with 23 East View and

the scheme in addition approved steps into the rear garden on the terrace's front at its southern side and along its southern elevation. The scheme approved two sets of rear opening doors to the extension and materials consisting of yellow stock brick and red brick detailing, aluminium framed double glazed bi-folding doors and windows and tiled roof.

- 4.3 Construction of the extension commenced in October 2023 and was completed in February 2024. A report was received by the Council in November 2023 that it was suspected that the extension being built at the property was not being constructed to the approved plans and this was as a result investigated by the Council's Planning Enforcement team.
- 4.4 Following this investigation, it was confirmed that the extension had been constructed to project to a depth of 5.8m, a further 800mm further than what was approved. Also, it was confirmed that steps had been located to the rear of the raised platform, rather than within the raised platform itself as in the approved scheme. In addition, it was confirmed that bi-folding doors of a different design to that approved, had been installed to extend the width of the extension on its front elevation. It was also confirmed that the raised rear terrace had been constructed to a greater depth than the approved scheme, 10m as measured from the original rear wall of the property as opposed to 8.4m in the approved scheme. A metal balustrade had also been added to the terrace at its front elevation and along part of its southern side elevation
- 4.5 The as-built rear extension that the application seeks to gain retrospective planning permission for projection 5.8m beyond the property's main rear wall, has a width of 6m, has a maximum height of 3.9m and 2.5m at the eaves as measured from the 1m height raised rear terrace depth.
- 4.6 In addition, the built structure has positioned steps into the lower rear garden towards the centre of the front of the raised terrace and has omitted the steps approved to the southern side elevation of the terrace.
- 4.7 The extension has been built with a set of bi-folding doors on its front elevation that are narrower in scale than those approved and metal balustrades 1m in height (as measured from the height of the terrace) have been added to the terrace at its front and on its southern side elevation.
- 4.8 The extension as built is a structure constructed of yellow stock brick and red brick detailing, aluminium framed double glazed bi-folding doors and with a tiled roof with six rooflights.
- 4.9 The images below show the constructed rear extension on the raised rear terrace, at its front elevation with the metal balustrades in place and showing the centrally located steps into the rear garden.



5 RELEVANT SITE HISTORY

A. Planning

- 5.1 213832 - Construction of a single storey rear extension including a raised platform. – Approved (with Conditions & Informatives) 31-01-2022
- 5.2 131795 - A Loft conversion with rear dormer window, three front rooflights and alteration of hipped roof to gable end. Approved (With Informatives) 07-10-2013

B. Pre-Application

- 5.3 No pre-application meeting was held with Council in respect to this application.

C. Enforcement

- 5.4 ENF/230290 Breach in the planning conditions - Alleged breach of planning conditions relating to application 213832. Extension has been built 5.8 metres instead of 5 metres. Case opened 07-11-2023

D. Adjacent Sites

19 East View

- 5.5 080475 – Erection of single storey rear extension and decking structure. 16-11-2020 Invalid/Incomplete
- 5.6 080202 – Erection of single storey rear extension & decking structure as shown on drawing nos. 7054/02, 7054/03 and 7054/04, received on 15 February 2008. - Approved (with Conditions & Informatives) 27-05-2008

23 East View

- 5.7 001259 – Erection of a two-storey side extension and part single/part two storey rear extension - Approved (with Conditions & Informatives) 21-06-2000

6 PUBLIC CONSULTATIONS

- 6.1 The application was put out for public consultation on 23rd March 2026. A site visit took place on 29th April 2026.

The following properties have been consulted:

23 East View, Chingford, London, E4 9JA

21 East View, Chingford, London, E4 9JA

19 East View, Chingford, London, E4 9JA

1 - 12, OAKDALE COURT, 15 Oakdale Gardens, E4 9HJ (all)

- 6.2 The Council received one objection letter as a result of the public consultation.
- 6.3 The representations relating to the issues of concern raised are detailed in the table below and are also matters which are addressed within the “Assessment” section of this report.

Objection received	Response
Concerns over the scale, siting and relationship to the boundary and a failure of the scheme to comply with the 45-degree rule	<p>In regard to No. 19, the positioning of the extension well away from the boundary and the nearest side elevation of this property and its own rear extension would avoid any adverse impacts.</p> <p>In regard to No. 23 which is positioned directly adjoining to the extension, the built extension exceeds the approved structure by 800mm, which when it is taken into account that the eaves of the roof of the built extension is below that of the approved and that the raised terrace is at a level 480mm lower than this neighbouring property’s own rear patio, would be considered to have a minimal adverse impact on this neighbour’s amenity. In addition, the large size of the plots of these properties and their site orientation, would serve to mitigate additional impacts regarding the scale of the development and impacts on the 45 degree rule.</p>

	Please refer to section 11B in this report for further details of this assessment, and 45 degree rule application
Impacts from loss of light, outlook and enclosure	The officer's assessment does concur that the proposal would not have a significant impact in regard to loss of light, outlook and any sense of enclosure. Please refer to section 11B in this report for further details of this assessment.
Impacts on privacy from level changes	The side elevation wall facing the neighbouring property at 23 East View is a brick wall with no windows. In addition, even though the raised rear terrace is deeper than in the approved scheme, it is at a lower ground level (480mm) than the raised patio at No. 23. The raised rear terrace would extend 2.6m beyond the raised patio at No. 23 at a height of 300mm above the lower garden ground level of this neighbour. With this positioning along with boundary fencing almost 2m in height (1.7m from raised patio), this would serve to mitigate impacts from overlooking.
Drainage and construction not being in accordance with the approved plans	This is not a matter relevant to our assessment and is not a consideration in a planning application. Construction and drainage are not dealt by Planning.
Inadequate and misleading information.	The plans and information supplied were confirmed as being sufficient and correct following a visit made to view the property and the site of the development.

7 INTERNAL CONSULTATION

7.1 No internal consultation was required for the application.

8. DEVELOPMENT PLAN

National Planning Policy Framework (2024)

8.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework. 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".

- 8.2 The NPPF gives 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'.
- 8.3 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Achieve well-designed places
 - Decision Making

National Planning Policy Guidance

- 8.4 A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 as the –
- (a) carrying out development without the required planning permission; or
 - (b) failing to comply with any condition or limitation subject to which planning permission has been granted.
- 8.5 Among the range of ways that alleged breaches of planning control can be dealt with include local planning authorities inviting the submission of a retrospective application. Where the local planning authority considers that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land can be invited to submit an application. It should be noted that although a local planning authority may invite an application, it cannot be assumed that permission will be granted.
- 8.6 A person who has undertaken unauthorised development has only one opportunity to obtain planning permission after the event. This can either be by means of a retrospective planning application or by means of an appeal against an enforcement notice– this is referred to as a ground (a) appeal.
- 8.7 The purpose of Planning Enforcement is not to punish individuals, but rather to remedy matters caused by unauthorised works. Planning Enforcement must consider if action would be expedient. In other words, it needs to consider whether the level of harm is so significant that it warrants formal action or whether the works generally comply with policies and guidance. In many of these situations, a retrospective application may be invited.
- 8.8 It should be noted that a planning breach in itself is not illegal and the LPA will often permit a retrospective application where planning permission has not been sought.

8.9 The primary source for guidance on enforcement matters is the National Planning Policy Guidance. Further information is available at the National Planning Policy Guidance web pages at <https://www.gov.uk/guidance/enforcement-and-post-permission-matters>.

8.10 Please also refer to section 73A of the Town and Country Planning Act 1990 in regard to the legislation guiding the use of retrospective planning permission <https://www.legislation.gov.uk/ukpga/1990/8/section/73A>.

8.11 The Planning Enforcement Policy document for the London Borough of Waltham Forest (2025), sets out the approach the Council takes regarding breaches of planning control.

The London Plan

8.12 On Tuesday 2nd March 2021 The Mayor of London published the replacement London Plan. From this date it forms part of the Development Plan for the purpose of determining planning applications. The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect. The policies relevant to this application are:

- D1 London's form, character and capacity for growth
- D4 Delivering good design

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

8.13 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. The relevant policies are:

- Policy 53 Delivering High Quality Design
- Policy 57 Amenity

9. MATERIAL PLANNING CONSIDERATIONS

Other guidance

9.1 Supplementary Planning Document "Residential Alterations and Retrofit" (2026).

Local Finance Considerations

10. 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).

i) There are no grants which have been or will or could be received from central government in relation to this development.

ii)The Council has not received but does expect to receive income from LBWF CIL in relation to this development.

iii)The Council has not received but does expect to receive income from Mayoral CIL in relation to this development.

11. ASSESSMENT

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

- A. **Design and Character**
- B. **Neighbour Amenity**

A. Design and Character

11.2 London Plan Policy D4 states that new development should respect the character and existing grain of the area and follow good design principles. Section 12 of the NPPF (2024) requires good design within developments which should be of a high quality and design due to the contribution towards making better places for people. Policy 53 Delivering High Quality Design of the adopted Waltham Forest Local Plan (LP1) aims to promote exemplary standards of design and place-making and deliver the highest quality of development throughout the borough.

11.3 The built extension is at the rear of the property and therefore not visible from the street scene. At its proportions, depth and height, the extension is considered proportionate to a property of this size and scale, with consideration given to overall residential plot size, it is considered not to have any adverse impact on the character or visual amenity of the wider area.

11.4 The materials used in the construction of the extension remain as the approved scheme. The built scheme, with its increases in the depth would continue to be considered subservient to the existing property and would not be out of keeping with the surrounding area.

11.5 The scheme is considered to accord with policy 53 of the adopted Waltham Forest Local Plan (LP1), and policies D1 and D4 of the London Plan.

B. Neighbour Amenity

11.6 Policy 57 of the adopted Waltham Forest Local Plan (LP1) seeks to ensure new development respects the amenity of existing and future occupiers. Development would only be considered acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers of the development.

(i) 19 East View

11.7 Due to the significant separation (6-8m) distances between the constructed rear extension at the application site and the nearest side elevation of the neighbouring property at 19 East View, and with no windows on its side elevation, the extension as built there would be no due loss of light, privacy or outlook to this neighbouring property.

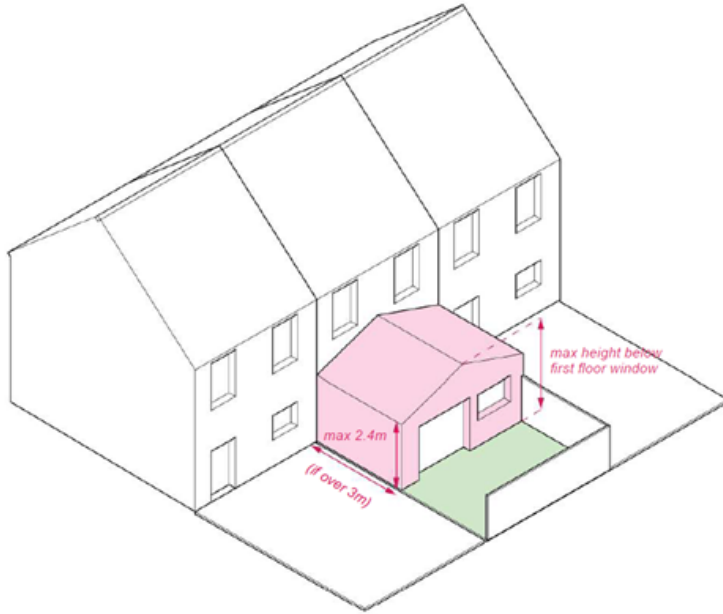
(ii) 23 East View

11.8 The neighbouring property at 23 East View is located on a wide corner plot significantly wider than many others on this street, with a very deep rear garden that borders the adjacent Larks Wood. This affords this neighbouring property unrestricted access to outlook and access to light across its rear elevation. The section of this property's rear elevation that lies directly adjacent to the built rear extension and raised terrace would experience a wall 2.64m in depth (past its own 3m depth rear extension) with a height along this boundary of just under 2.4m, the height of the eaves of the roof of the built extension at 21 East View. It is also noted that the raised rear terrace adjacent to this neighbouring property is located on a lower ground level than its own raised patio. Accepting that 1.84m of the wall's additional depth has been approved under application 213832, this assessment considers only the impacts of the further 0.8m extension of the wall at the same height, and a raised terrace extending 1.58m beyond the approved scheme, albeit at a lower level.

11.9 Due to these factors, shaped by the positioning of the structure, ground level differences, heights, depths and the location and relationship with the adjacent property it is not considered that this neighbouring property would suffer significant adverse impacts by way of any loss of light or outlook from this extension and its raised terrace.

11.10 Below, from the Council's Residential Alterations and Retrofit Supplementary Planning Document (Adopted June 2026), design guidance that advises that a full-width single storey rear extension should be no higher than 2.4m on the boundary with a neighbouring property that is not extended to this depth. The additional depth of the built extension would be in compliance with this guidance.

11.11



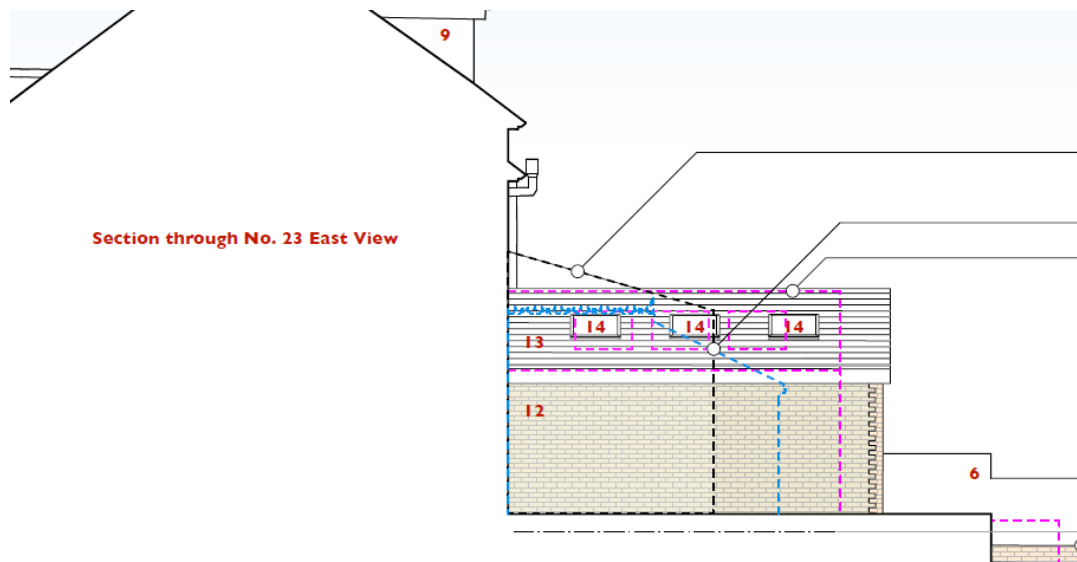
11.12 It is also noted that the rear extension at the neighbouring property at 23 East View which is directly adjacent to the built extension, has two sets of patio doors across its elevation, both of which serve the same room. This would serve to mitigate impacts caused by any non-compliance with the 45-degree rule, in relation to the patio doors nearest to the extension (the right-hand doors in the image below).



11.13 Above (left) the second set of patio doors to the rear of the neighbouring property at 23 East View, and (right) the first set of patio doors directly adjacent to the boundary with 21 East View, as viewed from inside.

11.14 The built extension has only a brick wall and does not have any fenestration on its northern side elevation. In addition, the raised rear terrace attached to the built extension is at a level 480mm lower than the height of the raised patio at 23 East View. The built raised rear terrace extends a further 2.6m beyond this neighbouring property's rear patio at a height of 300mm above the lower garden ground level of this neighbouring property. Due to these factors, the positioning of the extension and raised terrace, the difference in ground levels and the presence of boundary fencing approx. 2m in height between the properties the extension as built would not be considered to have any significant adverse impact on this neighbouring property by way of facilitating overlooking or any other impacts on this neighbour's privacy.

11.15 Below – from the submitted plans, the arrangement from the rear of the neighbouring property at 23 East View. The approved extension is shown in the pink dashed outline and the built structure is beyond this.



11.16 The proposal is considered to comply with policy 57 of the adopted Waltham Forest Local Plan LP1 (2024) and Supplementary Planning Document "Residential Alterations and Retrofit" (2026).

12. CONCLUSION

12.1 Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be acceptable in principle.

12.2 The built development is not considered to have an adverse impact on the amenities of neighbouring occupiers.

12.3 The proposal would be of good quality design and materials and, would have an acceptable impact on the character and appearance of the application site, the street scene and the wider locality.

13.ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 13.1 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:
- 13.2. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- 13.3 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).
- 13.4. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 13.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 13.6 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.
- 13.7 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 13.8 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.
- 13.9 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.

13.10 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.

14. **RECOMMENDATION**

14.1 The Planning Committee is requested to resolve that planning permission be granted subject to the following conditions.

14.2 Conditions and Reasons:

1. The development hereby permitted shall be maintained in accordance with the approved plans and documents listed below for the lifetime of the development:

Location Plan, dated 18th March 2026, EVI-002 Rev P1 Existing Site Plan, EVI-003 Rev P1 Proposed Site Plan, EVI-004 Rev P2 Existing and As-built Ground Floor, EVI-005 Rev P2 Existing and As-built Roof, EVI-006 Rev P2 Existing and As-built North Elevation, EVI-007 Rev P2 Existing and As-built East and West Elevation, EVI-008 Rev P2 Existing and As-built South Elevation, EVI-009 Rev P2 Existing and As-built Section, dated 16th March 2026, and EVI-DAS Rev P2 Design and Access Statement, dated March 2026

Reason: for the avoidance of doubt and in the interests of proper planning.

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 have been followed in this instance, and offers a pre-planning application advice service.

2. This notice is without prejudice to your responsibilities under any other legislation including Building Regulations.

3. This notice is without prejudice to your responsibilities under any other legislation.