

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 8 th July 2025
Application reference:	250946
Applicant:	Mr Kinmonth
Location:	4 West Avenue, Walthamstow, London, E17 9QN
Proposed development:	Excavation to facilitate extension of the existing basement level together with the formation of a rear garden lightwell and enlargement of existing front garden lightwell. Construction of a patio within rear garden and installation of railings, gate and refuse/recycle waste storage within front garden.
Wards affected:	Hoe Street
Appendices:	None

1. RECOMMENDATION

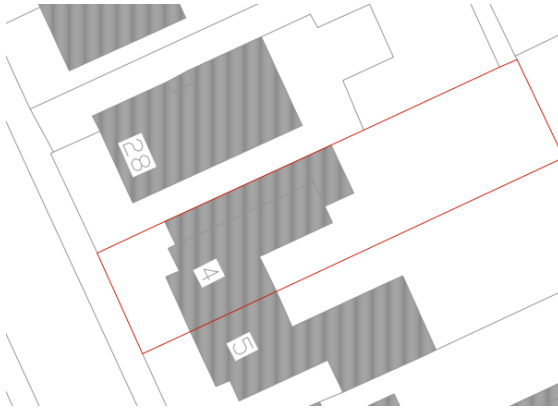
- 1.1. That Planning Permission be **GRANTED** subject to conditions and informatives.

2 REASONS REFERRED TO COMMITTEE

- 2.1. The application has been referred to Planning Committee due to the level of public interest on the application.

3 SITE AND ITS SURROUNDINGS

- 3.1. The application relates to a site located to the eastern side of West Avenue which is situated to the east of Walthamstow Town centre. The area is characterised by residential properties, including terraced rows, semi-detached dwellings and flatted developments. To the south of the site there is the Walthamstow Village Montessori Day Nursery and the Trinity Walthamstow United Reformed Church.
- 3.2. The property is a Victorian semi-detached dwellinghouse over three storeys with an existing basement. The dwelling is constructed in English brick bond construction with an interlocking Marley modern or similar roof tile. The property has been altered in recent years with a dormer extension and single storey rear and side extensions. The site comprises a number of trees within the rear garden and one large tree within the frontage.
- 3.3. The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction other than the Borough-wide change of use from Class C3 to C4. Officers' site visit was held on 30 April 2025.



Site Plan



Aerial Image

4 APPLICATION PROPOSAL

- 4.1. This application is seeking permission for the excavation to facilitate extension of the existing basement to increase available head height, as well as formation of a rear lightwell and enlargement of existing front lightwell. The works include the construction of a patio in the rear garden with installation of railings and gates to the lightwell's access stairs. The application also includes the provision of refuse and recycling storage within the front garden.



Existing Elevations



Proposed Elevations

5 RELEVANT HISTORY

Planning

- 5.1. 211597 - *Lawful Development Certificate Proposed – Construction of dormer roof extension to main rear roof and part extension above two storey rear outrigger.* – Approved (with Informatives) 19/07/2021
- 5.2. 211598 - *Construction of single storey rear and side extensions, including the installation of glazing to side elevation and removal of first floor side window.* – Approved (with Conditions & Informatives) 22/09/2021
- 5.3. 212655 - *Lawful Development Certificate (Proposed) –Construction of single storey rear extension. Construction of single storey side extension.* – Approved (with Informatives) 08/10/2021

Pre-application

- 5.4. There is no relevant pre-application.

Planning Enforcement

- 5.5. There is no enforcement history.

Adjacent sites/neighbouring properties

- 5.6. None relevant.

6 PUBLIC CONSULTATION

- 6.1. The Council circulated consultation letters to neighbouring residents on the 14 April 2025.
- 6.2. The following properties have been consulted:
 - 5 West Avenue, Walthamstow, London, E17 9QN

- 15 East Avenue, Walthamstow, London, E17 9NG
- 17 East Avenue, Walthamstow, London, E17 9NG
- 19 East Avenue, Walthamstow, London, E17 9NG
- 19a East Avenue, Walthamstow, London, E17 9NG
- 19b East Avenue, Walthamstow, London, E17 9NG
- 27 West Avenue, Walthamstow, London, E17 9QN
- Flat 1, 28 West Avenue, Walthamstow, London, E17 9QN
- Flat 2, 28 West Avenue, Walthamstow, London, E17 9QN
- Flat 3, 28 West Avenue, Walthamstow, London, E17 9QN
- Flat 4, 28 West Avenue, Walthamstow, London, E17 9QN
- Flat 6, 28 West Avenue, Walthamstow, London, E17 9QN
- Flat 5, 28 West Avenue, Walthamstow, London, E17 9QN
- 29 West Avenue, Walthamstow, London, E17 9QN
- 31 West Avenue, Walthamstow, London, E17 9QN
- 33 West Avenue, Walthamstow, London, E17 9QN

6.3. As a result of the public consultations, 6 objections were received from neighbouring properties. It is noted that 15 submissions were received however a number of these were duplicates.

Table 3: Summary of objections

Objection Received	Response
Victorian character and overdevelopment on West Avenue	The proposal is seeking to extend the existing basement and existing lightwell to frontage. There would be limited appearance changes to the property and no additional built form in the street scene. Design is assessed further later in the report.
Amenity - Disruption and mess during construction adversely impacting wellbeing of neighbours	Developers are expected to take reasonable steps to minimise noise nuisance including working within permitted hours. The scale of the development is relatively limited as such it is not envisaged that prolonged disruption would occur.
Damage to adjoining property, including structural stability, as a result of excavation	The application has been supported by a Basement Impact Assessment which does not indicate any adverse impacts as a result of the excavation. Outside the planning legislation, the structural matters would be dealt with via Building Control. These works would also need to be carried within the provisions of The Party Wall Act.

Objection Received	Response
Highways and parking impacts	This is a minor development that is not envisaged to have detrimental or long-term impacts upon the highway network of availability of parking.

7 OTHER CONSULTATIONS

7.1. The following internal and external consultees were consulted, with comments received provided below:

Table 4: Summary of consultee responses

Consultees	Comments
Place and Design	<p>The proposal is acceptable. It will be to the rear and of high design quality. The basement to the front whilst not typical would be discretely placed</p> <p>Approve subject to conditions:</p> <ul style="list-style-type: none"> • Materials • Boundary treatments • Landscaping • Windows
Building Control	No response.
Trees Officer	<ul style="list-style-type: none"> • The AIA states one tree is due for removal, a Honey locust numbered T7 on the plan. • The reason for removal is that the lightwell extension would conflict with T7's RPA. • That alone would not be a justified reason to remove the tree. • However, the report further justifies T7's removal due to its poor condition (as a result of past management) and its constrained growing space. • The report claims that T7 has modest amenity value. <p>From a desktop study, wider public views of T7 suggest that it does have amenity value though it is evident that the tree has developed a slightly unbalanced habit, with conflict of the eastern extent of its crown with elevations of the dwelling house. Furthermore, it appears to have been planted too close to the brick boundary wall, with photographs indicating that it has caused cracking in at least one place.</p> <p>Therefore, the removal of T7 is acceptable in arboricultural terms. Replacing the lost amenity and tree canopy cover may prove challenging given the available space. Without the benefit of a site visit, I am unable to tell whether there</p>

Consultees	Comments
	<p>is sufficient soil depth in the front garden to support a tree long term. With the proposed extension, the available space is further constrained.</p> <p>In conclusion, the proposal is supported in principle subject to a suitable replacement tree to be planted in the front garden where space allows. For this purpose, a compact, amenity tree with non-invasive roots would be the optimal choice. If there is insufficient space even for a small tree, then further consideration should be given to how the front garden could be planted to re provide the lost greening.</p>

8 DEVELOPMENT PLAN

- 8.1. 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
 - C) any other material considerations.
- 8.2. 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)

- 8.3. 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.
- 8.4. 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
 - D4 Delivering good design
 - D6 Housing quality and standards
 - D12 Fire Safety

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

- 8.5. 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.

8.6. The relevant policies are:

- Policy 1 Presumption in Favour of Sustainable Development
- Policy 53 Delivering High Quality Design
- Policy 56 Residential Space Standards
- Policy 57 Amenity
- Policy 60 Promoting Sustainable Transport
- Policy 63 Development and Transport Impacts
- Policy 80 Trees

9 MATERIAL PLANNING CONSIDERATION

National Planning Policy Framework (2024)

- 9.1. The revised National Planning Policy Framework (NPPF) 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.
- 9.2. 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".
- 9.3. 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.
- 9.4. The specific policy areas of the NPPF considered to be most relevant to the of this application are as follows:
- Achieving sustainable development
 - Achieving well-designed places

Other Planning Guidance

- 9.5. Residential Extensions and Alterations Supplementary Planning Document (2010)

10 LOCAL FINANCE CONSIDERATIONS

- 10.1. 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).
- 10.2. There are no grants which have been or will or could be received from central government in relation to this development.
- 10.3. The Council has not received and does not expect to receive any income from LBWF CIL in relation to this development.
- 10.4. The Council has not received and does not expect to receive any 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) Character and Appearance
- B) Residential Amenity and Quality of Accommodation
- C) Trees

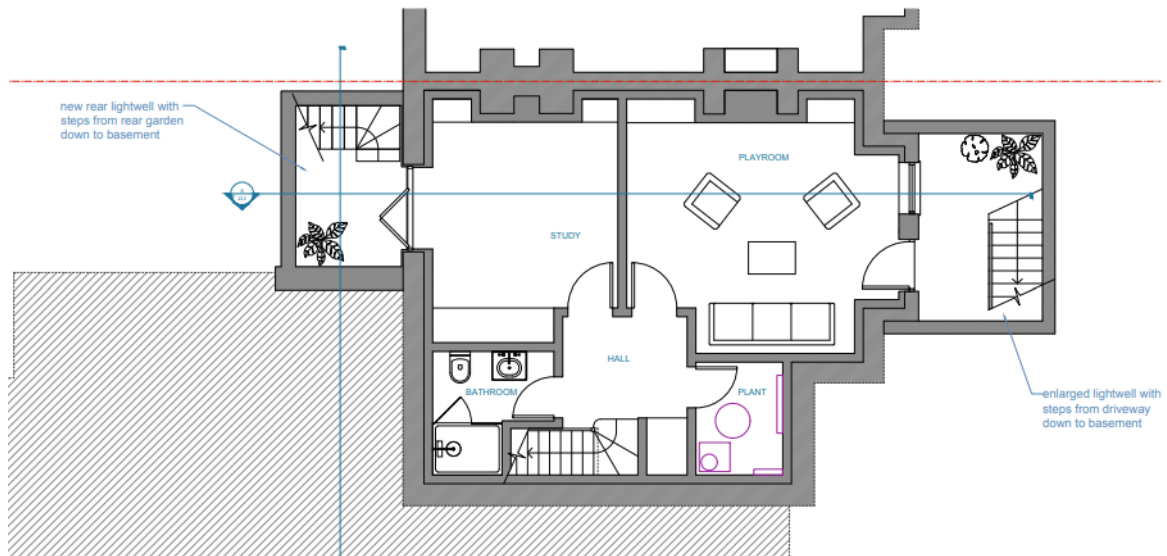
A. Character and Appearance

- 11.2. Policy 53 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. This states that a significant part of local character and the street scene is the detailed design of building facades. Any residential extensions should not be visually dominating but subservient to the host dwelling.

Excavation to increase the height of the existing basement

- 11.3. With regards to the basement extension itself, this would excavate downwards below the existing basement to create additional 35cm of headspace, from approximately 2.05 metres to 2.4 metres. This in itself would not impact the character and appearance of the property from the street scene.
- 11.4. A Basement Impact Assessment prepared by a certified structural engineer was provided, demonstrating relevant safety measures would be adopted including appropriate underpinning and retaining walls. Paragraph 2.4 of the report states that the proper construction methods will ensure that the adjoining structures are not affected by the excavation works and it is evident regard has been had to annexe B of BS 8004, 2015 which provides detailed specification and a series of recommendations for the safe implementation of underpinning schemes. The Basement Impact Assessment also references the requirements of The Party Wall Act 1996. No impacts are identified on subterranean ground water flows or buried services given the existing basement and minor depth increase. No additional flooding risks are identified as a result of the development. Overall, the extension of the basement would be relatively minor and subject to the well-designed retaining wall it should not result in any detrimental issues.

- 11.5. The basement is currently used as a playroom and storage space. The proposal involves vertical expansion of the basement without enlarging its footprint to create a new study, playroom, bathroom and plant room. The floorplans do not show the proposal to result in a self-contained unit and include an internal staircase demonstrating a physical connection to the host building. However, for clarity and to prevent the new space in the basement from being used as a separate unit, it is recommended that a planning condition to restrict its use by the residents of the application address is included.



Proposed Basement Floor Plan

Lightwells

- 11.6. The development does include the construction of a lightwell with stairs within the rear garden and the expansion of existing lightwell at the principal elevation to create a larger stair access. This would include the installation of gates and railing to the stairs. The rear lightwell would involve minimal excavation measuring 1.82 m by 2.78 m and the front lightwell would be increased in depth by 1.18 m. There are no windows currently in the basement though it is evident on site that there are two infilled openings. Given the elevated front garden of the subject property it is not considered that the lightwell would be overlooked by pedestrians.
- 11.7. Given the presence of the existing lightwell, it is not considered that its extension would adversely impact the character of the property or read as an alien feature in the streetscene. It was evident on visiting the site that other properties along West Avenue benefit from basement lightwells, notably No. 37 on the western side. The Design Officer has concurred with this view stating it would be discretely located and is supported subject to condition securing high quality materials. The railings would be appropriately scaled and positioned so to read as in keeping with the historic character of the host property and would not appear out of keeping within the locale.

Bin Store

- 11.8. The proposed development includes the creation of a bin store area to the side of the light well, this would be set within the bricked wall so to not be widely visible from the public realm. This is considered appropriate to create a covered bin store whilst not

detracting from the character of the host dwelling, discreetly located within the frontage of the site.

B. Residential Amenity and Quality of Accommodation

- 11.9. Policy 57 of the Local Plan seeks to maintain the amenity of occupiers of adjoining properties in terms of daylight/sunlight, overshadowing, outlook, loss of privacy, whereas Policy 50 sets out to protect the residents from unacceptable noise and nuisance.
- 11.10. The nature of the lightwells being below ground level would not negatively impact the neighbouring occupants with regards to overlooking, overbearing or loss of privacy. The submitted Basement Impact Assessment also demonstrates that the proposal would not incur significant risk to the existing structure or neighbouring properties.
- 11.11. The basement itself is currently used in association with the primary residential use as one large playroom. The proposal would introduce internal walls to separate a playroom, study, bathroom and plant room within the basement. Overall, it is not considered that the proposal would demonstrably intensify the use of the site or have additional implications in terms of noise and nuisance.
- 11.12. In terms of the quality of accommodation, the lightwells are considered to provide sufficient natural light to the proposed basement rooms given they would not be primary habitable spaces.

C. Trees

- 11.13. The 1990 Town & Country Planning Act places a statutory duty on planning authorities to ensure, whenever appropriate, that adequate provision is made for the preservation or planting of trees. Policy 57 of the Local Plan seeks to ensure that development proposals retain and protect significant existing trees including thought with high amenity value. Part B of the policy states that development proposals will only be supported where they, inter alia, take particular account of the existing trees on the site and on adjoining land, retain trees of significant amenity and demonstrate that retained trees can be satisfactorily protected from construction impacts. The policy is clear in Part C that where sufficient evidence is provided to justify their loss, significant trees may be removed where developments re-provide the amenity, canopy, habitat and biomass of the existing trees through the planting of significant mature trees within the proposed scheme.
- 11.14. The site comprises a number of established trees, most in the rear of the site or within the adjoining curtilages, however one is to the front of the property and is considered to contribute positively to the streetscene. The Arboricultural Report states that the tree is in a poor condition due to maintenance and is planted too close to the boundary wall which has created cracking. As such, it is asserted that the tree would have to be removed in the long term. The Council's Trees Officer has reviewed the submitted Arboricultural Report and concurs with the findings, stating that in arboricultural terms its removal is acceptable. However, the amenity value of the tree is at the front of the site and visible from the public realm, therefore for appropriate mitigation to be successful the replacement planting should be located to the front of the site, rather than the rear as suggested in the report. The applicants have provided an amended report

and plan to this effect. The Trees Officer has reviewed the detail raising no objection to the details.

12 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 12.1. 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:
- 12.2. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- 12.3. 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).
- 12.4. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 12.5. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.6. 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.
- 12.7. 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

- 12.8. 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.
- 12.9. 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 CONCLUSION

- 13.1. Following the above assessment, it is considered that the design of the development would not result in harmful impact on the character and appearance of the host property.

In addition, the development would not result in a detrimental impact upon neighbouring amenity. Taking into account the consistency of the scheme with the Local Plan and considering all material planning considerations, the proposal is considered acceptable and is therefore recommended for approval subject to conditions and informatives.

14 RECOMMENDATION

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

14.2. Conditions and Reasons

1. The development hereby permitted shall begin not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

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

- 5926/204 dated 30/11/2024
- 5926/210 Rev B dated 12/06/2025
- 5926/211 Rev A dated 16/02/2025
- 5926/212 dated 05/12/2024
- Arboricultural Impact Assessment Version 1.1 dated 16/06/2025
- Basement Impact Assessment 11052 dated March 2025

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

3. Prior to the commencement of development on site, details of the approved windows and metal railings to the lightwells, including the materials, external finishes, method of opening and detailed drawings (at least 1:10) including showing sections shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

4. The habitable room created in the basement hereby permitted shall be solely to extend the existing dwelling house for the benefit of occupation for as single family dwelling and must not be occupied as independent or separate residential unit, without the prior written approval of the Local Planning Authority.

Reason: To preserve the amenities of the occupiers of adjoining and nearby properties, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

5. The development shall fully conform with the recommendations of the Arboricultural Impact Assessment, submitted with this application dated 16/06/2025. The development shall be carried out solely in accordance with the approved details, and

all works shall comply with BS 3998:2010 (Tree Work - Recommendations) and shall be supervised by a suitably qualified Arboriculturalist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policies 53, 79 and 80 of the adopted Waltham Forest Local Plan Part 1 (2024).

14.3 Informatives

1. To assist applicants the Local Planning Authority has produced policies and provided written guidance, all of which is available on the Council's website and which have been followed in this instance. The Local Planning Authority delivered the decision in a timely manner.
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.
5. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.