



Appeal Decision

Site visit made on 16 January 2024

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/U5930/W/23/3327659

63 Lytton Road, Leytonstone, Waltham Forest, E11 1JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Hubert Clarke against the decision of Waltham Forest London Borough Council.
 - The application Ref is 222800.
 - The development proposed is the addition of a mansard roof to a top floor flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2023. This introduced new national planning policy concerning mansard roof extensions, including a definition for 'mansard roof' in the glossary of the Framework. Accordingly, I offered the main parties an opportunity to provide comments about these changes. Whilst no comments were provided on this matter by either main party, I have nevertheless had regard to the latest version of the Framework so far as it is relevant to this appeal.
3. Since the appeal was submitted the Council adopted the Waltham Forest Local Plan Part 1 (February 2024) (the LP). The Council has confirmed that the policies relevant to the determination of the appeal contained within the London Borough of Waltham Forest Development Management Policies Local Plan (October 2013) and the Waltham Forest Local Plan Core Strategy (March 2012) have been superseded by the LP. The Council has also confirmed that it maintains its objection to the proposal and now relies upon Policies 53 and 56 of the LP. The appellant has had an opportunity to provide their views on the relevance of these new policies. I am required to determine this appeal on the basis of the development plan which is in force at the time of my decision, and that is what I have done.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area; and

- whether satisfactory living conditions would be provided for future occupiers of the first floor flat in respect of living space including ceiling heights.

Reasons

Character and appearance

5. The proposal includes alterations to the roof of the existing building, a two-storey end of terrace property located on the corner of Lytton Road and Wallwood Road, to create additional habitable accommodation. The property is situated in a well-established primarily residential area comprising mostly two and three-storey terraced and semi-detached dwellings of various designs with a range of architectural features. The principal common feature noticeable in the roofscape locally is the presence of pitched roofs, with occasional dormers and velux-style roof-lights. Being positioned on a corner plot, and due to its distinctive two-storey projecting bay, the appeal property is an interesting building which contributes positively to the character and appearance of the area.
6. The proposal would introduce a complex mansard roof which would wrap around the roof of the building where it fronts onto Lytton Road and Wallwood Road. This would be strikingly different to the current roof form of the building and those in the terrace of which the property forms a part. The introduction of a mansard roof would be particularly noticeable on this corner plot and would create a feature which is not characteristic of the properties in the immediate vicinity. While I saw that some mansard roof features are present in the wider area, including on Esther Road, these are not common.
7. The Council's guidance¹ expressly addresses the matter of mansard roof extensions. Whilst recognising that proposals must be considered on a case-by-case basis, and that mansard roof extensions may be acceptable in some locations, the SPD states that mansard roofs are not a typical or characteristic roof profile in the Borough, and it is therefore unlikely that this type of extension will be appropriate. Further, whilst I acknowledge that the Framework supports opportunities for airspace development to accommodate new homes, this support is caveated by the expectation that development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, and that it is well-designed (including complying with any local design policies and standards).
8. The Framework indicates that mansard roof extensions should be allowed on suitable properties where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. The suitability of a property should generally be determined having regard to the definition of mansard roof given in the Framework which states that a mansard roof should be generally regarded as a suitable type of roof extension for buildings which are part of a terrace of at least three buildings and at least two stories tall, with a parapet running the entire length of the front façade. The appeal property does not have a parapet wall to the front, nor do the buildings in the terrace to which it is attached. In these respects, the appeal property does not meet the

¹ Residential Extensions and Alterations Supplementary Planning Document (February 2010) (the SPD)

definitions in the Framework concerning the suitability of a property to accommodate a mansard extension and would therefore be in conflict with it.

9. Retention of chimney stacks, maintaining eaves alignment, the use of external materials to match the existing building, and maintaining the linear nature of the roof profile of the back addition would not compensate for the harmfully obtrusive and bulky appearance of the proposal. Moreover, the proposal would not generate a positive visual presence at this corner location, rather it would introduce an alien feature to the appeal property which would be at odds with the established roofscape in the surrounding area.
10. The Framework provides support to development that makes efficient use of land, and that would be the case here. However, the Framework qualifies this support by requiring consideration of the desirability of maintaining an area's prevailing character and setting. Overall, the proposal would fail to accord with these expectations when considering the well-established prevailing character of the roofscapes in the surrounding area.
11. The proposed development would result in unacceptable harm to the character and appearance of the host property and the surrounding area. Accordingly, there would be conflict with the relevant provisions of Policy 53 of the LP which in summary, amongst other things, require proposals to reinforce and/or enhance local character and distinctiveness, respond appropriately to their context in terms of scale height and massing, and achieve exemplar quality of design. The development would also conflict with paragraphs 124 and 135 of the Framework which support, with qualification, making effective use of land and achieving well-designed and beautiful places. It would also conflict with the Council's guidance set out in the SPD.

Living conditions for future occupiers

12. Requirements for the minimum standards of internal living space within new homes are set out in Policy 56 and the associated Table 14.2 of the LP, and these are consistent with the space standards set out at Table 3.1 of The London Plan (the London Plan). Additionally, Policy D6 of the London Plan includes a requirement for minimum floor to ceiling heights being 2.5m for at least 75% of the Gross Internal Area for each dwelling. Whilst these standards concern new dwellings, given that Policy 53 of the LP supports development that is fit for purpose and demonstrates careful consideration of the needs of all building users, the standards as a whole provide a reasonable minimum expectation for considering whether the proposal would provide acceptable living conditions for future occupiers.
13. Following the adoption of the LP, there are no specific minimum floor space standards in the development plan for a combined living, dining and kitchen area. The Council calculate that the proposal would provide a combined living, kitchen and dining area of around 23.5 sq.m. and I have seen nothing in the information provided to me that disputes this calculation. Whilst the floor area of the flat overall would meet the dwelling size space standards set in the development plan, given that the proposal involves the creation of an additional bedroom and noting the lack of any private outdoor space to serve future occupiers, notwithstanding the proposed creation of a small study in the mansard extension, once furnished the amount of living space in particular would be unduly small to meet the reasonable needs of the potential number of future occupiers. In this respect the proposal would not provide sufficient living

space that is fit for purpose, and this would be harmful to future occupiers in respect of their well-being.

14. The underlying purpose of Policy D6 of the London Plan is to provide homes which support the well-being of future occupiers. There is no dispute that the proposal fails to provide the minimum ceiling heights required in the development plan. In my judgement, the proposal would also result in the creation of a dwelling having harmfully inadequate living space to meet the needs of all future occupiers.
15. In view of the above, the proposed development would not provide suitable living conditions for future occupiers of the first floor flat in respect of living space including ceiling heights, and this conflicts with Policy D6 of the London Plan, which sets minimum floor to ceiling heights to ensure high quality design that meets the needs of occupants. The proposals would also conflict with Policy 53 of the LP which supports development proposals that are fit for purpose and demonstrate careful consideration of the needs of all building users.

Conclusion

16. For the reasons given above, the proposal would conflict with the development plan when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, the appeal is dismissed.

David English

INSPECTOR