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## Appeal Decision

Site visit made on 20 June 2025

**by Siobhan Watson BA(Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 July 2025

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**Appeal Ref: APP/U5930/X/23/3319733**

**8 Francis Road, Leyton, London, E10 6PW**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Ms Bella Landymore against the decision of Waltham Forest London Borough Council.
  - The application ref 230172, dated 24 January 2023, was refused by notice dated 20 March 2023.
  - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
  - The development for which a certificate of lawful use or development is sought is the creation of a new window on the ground floor, the improvement of the building with external solid wall insulation on the garden elevation and the replacement of the windows on the garden elevation.
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### Decision

1. The appeal is allowed in respect of the windows and attached to this decision is a certificate of lawful use or development describing the proposed operation which is considered to be lawful. The appeal is dismissed in respect of the external solid wall insulation.

### Preliminary Matters

2. The main issue is whether the Council's decision to refuse the LDC was well founded. This turns on whether, at the time of the application, the proposed works would have constituted permitted development under Article 3 and Schedule 2, Part 1, Class A to The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). The planning merits of the proposal, such as character and appearance, are not relevant.
3. There are two distinct elements to the appeal, (i) a new window and replacement windows/patio doors and (ii) external wall insulation. I will address them separately.

### Reasons

#### *External wall insulation*

4. Article 3 and Schedule 2, Part 1, Class A of the GPDO allows the enlargement, improvement or other alteration of a dwellinghouse. The wall insulation constitutes an improvement.
5. Development which is permitted by Class A, including solid wall insulation, is subject to numerous conditions, one of which is A.3(a) "*the materials used in any exterior work (other than materials used in the construction of a conservatory)*"

*must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse”.*

6. The proposed insulation at the rear of the house would be of a render appearance. The construction of the exterior of the rear elevation is brick. The insulation would not look anything like the brick it would be fixed to.
7. I acknowledge that there is some painted stone and painted mouldings on the front of the house and a tiny amount of render at both the front and rear. However, the building is predominantly constructed of brick and has brick elevations at the rear. The cladding would cover the brick and make the rear of the building look very different. The cladding, therefore, would not be of a similar appearance to the materials used in the construction of the exterior of the house.
8. For the above reasons, I conclude that the Council’s decision in respect of the external insulation was well founded.

#### *The windows*

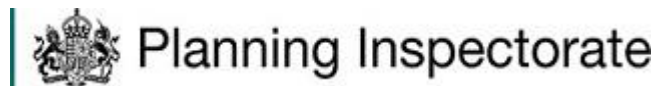
9. There is no dispute relating to the new window and the replacement windows. The new window would be on the ground floor. The rear windows and side windows would be replaced, including replacing one set of patio doors (also commonly known as “French windows”) by a single window. The other patio doors would be replaced with new ones. The window on the first floor side elevation would be obscure glazed. The Council have assessed these windows/doors and have not disputed that they are permitted by Article 3 and Schedule 2, Part 1, Class A of the GPDO. I have no reason to reach a different view. Since s193(4) of the Act allows a certificate to be issued for some elements of a scheme where two or more operations are proposed, a certificate could have been issued for the windows in this case

#### **Conclusion**

10. For the reasons given above I conclude that the Council’s refusal to grant a certificate of lawful use or development in respect of the external insulation was well-founded and that the appeal in respect of that element should fail. The Council’s refusal to grant a certificate in respect of the windows/doors was not well-founded and the appeal should succeed in that respect. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act as amended and issue a certificate for that element of the proposal.

*Siobhan Watson*

INSPECTOR



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# Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 24 January 2023 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the date of the application those works comprising development were permitted by Class A of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed

*Siobhan Watson*

Inspector

Date: 9 July 2025

Reference: APP/U5930/X/23/3319733

## ***First Schedule***

New window on the ground floor side elevation, and the replacement of the windows on the garden elevations.

## ***Second Schedule***

Land at 8 Francis Road, London, E10 6PW

IMPORTANT NOTES – SEE OVER

## NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

## Plan

This is the plan referred to in the Lawful Development Certificate dated: 9 July 2025

by Siobhan Watson

Land at: 8 Francis Road, London, E10 6PW

Reference: APP/U5930/X/23/3319733

Scale: Not to Scale

Ordnance Survey  
Ukmapcentre.com

