



Appeal Decision

Site visit made on 21 May 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/U5930/W/25/3359238

11A Winchester Road, Chingford, Waltham Forest E4 9LH

- 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 Marjan Keqaj against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 241449.
 - The development proposed is a loft conversion with rear dormer and front skylights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission has previously been granted for a rear dormer roof extension and the installation of two roof-lights to the front roof slope¹. However, the dormer on the rear-facing roof slope proposed in this appeal differs from the approved dormer as it appears to extend closer to the eaves on the rear elevation. Notwithstanding the annotations on the submitted drawings, I shall therefore proceed on the basis of the dormer as shown on the submitted drawings and not the previously approved dormer.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the host dwelling and the area; and
 - whether the proposed loft conversion would provide an adequate living environment for future occupants, with regards to internal space.

Reasons

Character and appearance

4. The appeal site is a mid-terrace first-floor flat which is located above a commercial unit. This part of Winchester Road predominantly comprises of ground-floor commercial premises with flats above, while the rest of Winchester Road and the surrounding streets are largely residential in nature.
5. Single and two-storey rear outriggers are characteristic of the area, and dormers on the rear-facing roof slope are not uncommon in the vicinity of the appeal site.

¹ Planning application ref. 220904

However, the proposed L-shape dormer extension would span almost the whole width of the house and would cover a considerable portion of the rear and side roof slopes. As such the proposed dormer would add considerable bulk and mass to the rear of the property and would dominate the roof slope.

6. Although the dormer would not be visible from the street, it would be visible to passengers on the trains which run to the rear of the site. There are no L-shaped dormers in close proximity to the appeal site, and while there are L-shaped dormers elsewhere along Winchester Road and in the wider area, these are a significant distance from the appeal site and are not seen in conjunction with the appeal property. The proposed dormer would therefore be an uncharacteristic addition to the area.
7. Overall, due to its scale, the proposed L-shaped dormer would be a bulky and obtrusive addition to the property which would fail to harmonise with its surroundings. It would therefore be detrimental to the character and appearance of the host property and the area. The dormer would also be contrary to guidance in section 5.2.4 of the Waltham Forest Residential Extensions and Alterations Supplementary Planning Document (2010), which notes that L-shape dormers could have too great of a visual impact on the character of the original building.
8. Examples have been provided of L-shaped dormers which have been previously granted planning permission in the Council's area. However, the Council for the planning application at 127 Chelmsford Road² and Inspectors for the appeals at 118 Malvern Road³ and 14 Falmer Road⁴ each found that dormers and roof extensions, including L-shaped dormers, had become part of the character of their respective areas, unlike in this appeal proposal. For the scheme approved at 81 Millais Road⁵, the dormer on the rear outrigger had a lower roof level than the dormer on the rear roof slope. Consequently, it appears to have less bulk and mass than the dormer in the proposal before me.
9. At 67 Ferndale Road⁶, the Inspector concluded that, due to its scale, the proposal would be contrary to the character and appearance of the host dwelling and the area. However, the Inspector concluded that an existing Certificate of Lawfulness for an L-shaped dormer of similar design and scale was a comparable and legitimate fallback position which outweighed the conflict with the development plan. No details of any such Certificate of Lawfulness in this case have been provided. For these reasons, these other examples are not directly comparable to the proposed dormer before me and do not justify the scheme before me.
10. The proposal would therefore conflict with Policy 53 of the Waltham Forest Local Plan Part 1 2020-2035 (adopted 2024) (WFLP), insofar as it requires development to reinforce and/or enhance local character and to respond appropriately to its context in terms of scale and massing.

Living environment

11. Policy D6 of the London Plan (2021) (LP) requires dwellings to provide at least the gross internal floor area and built-in storage area set out in Table 3.1 of the policy.

² Planning application ref. 191971

³ Appeal ref. APP/U5930/D/21/3274650

⁴ Appeal ref. APP/U5930/W/21/3273090

⁵ Appeal ref. APP/U5930/W/20/3247272

⁶ Appeal ref. APP/U5930/D/23/3325622

This table sets out minimum internal space standards for new dwellings and reflects the Nationally Described Space Standard (NDSS). Although these standards are for new dwellings, they provide useful guidance regarding acceptable property and room sizes for the altered and extended properties.

12. As a result of the proposed dormer, the extended flat would have two-storeys and would contain bedrooms for up to six people. The minimum space standard for such a dwelling is 106 square metres. Both main parties agree that the extended flat would only be 90 square metres, significantly less than the minimum space standard.
13. LP Policy D6 also requires a minimum floor-to-ceiling height of 2.5 metres for at least 75% of the gross internal area of the flat. Although paragraph 3.6.3 of the supporting text of D6 refers to this standard applying to new housing, the wording of the policy itself refers to 'housing development' in general and 'each dwelling' with regards to the floor-to-ceiling height requirements in section 8 of the policy. As the policy wording does not solely refer to new dwellings, it would be appropriate to consider this standard in this case.
14. The floor-to-ceiling height of the previously approved dormer was 2.1 metres, and in that planning application the Council stated the flat would not have achieved this standard. Notwithstanding this, other aspects of the proposal led the Council to conclude that the previous proposal overall would improve the living conditions of the occupants.
15. In this case, the floorspace of the proposed dormer would be significantly greater than that of the previously approved dormer and, consequently, a greater proportion of floorspace would have a floor-to-ceiling height of less than 2.5 metres. The appellant accepts that only 66% of the flat would have a floor-to-ceiling height of at least 2.5 metres and would fall short of the policy requirement. Furthermore, with lower ceiling heights there is the potential for items such as doorframes, lighting fixtures and smoke alarms to be obstructions at head-height.
16. As a result of the substandard internal space and floor-to-ceiling heights, the flat would feel small and cramped. The proposal would therefore fail to provide an adequate living environment for future occupants. Consequently, the proposal would conflict with LP Policy D6.
17. WFLP Policy 56 also sets out minimum internal space standards in line with the NDSS. However, part A of Policy 56 states that proposals for new homes are required to meet these standards. As the appeal proposal seeks to extend a property and thus would not create a new home, part A of Policy 56 does not apply in this case. Consequently, the proposal would not conflict with WFLP Policy 56.

Other considerations

18. The appellant has set out that the proposed development would make effective use of previously developed land, as supported by the National Planning Policy Framework, and that upward extensions are also supported by the Framework. However, these factors are not sufficient to counter the harm that would occur to the character and appearance and the living conditions of future occupants.

Conclusion

19. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR