



---

## Appeal Decision

Site visit made on 7 July 2025

**by K Allen MEng (Hons) MArch PGCert ARB**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

---

**Appeal Ref: APP/U5930/W/25/3363721**

**First Floor Flat 2, 38 Mornington Road, Leytonstone, Waltham Forest E11 3BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Felicity Cannell against Waltham Forest London Borough Council.
  - The application Ref is 250059.
  - The development proposed is for a rear dormer roof extension, extension over the two-storey rear outrigger, two roof-lights in the front roof slope and conversion of the existing 1-bedroom flat into a 2-bedroom flat.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for a rear dormer roof extension, extension over the two storey rear outrigger, two roof-lights in the front roof slope and conversion of the existing 1-bedroom flat into a 2-bedroom flat at First Floor Flat 2, 38 Mornington Road, Leytonstone, Waltham Forest E11 3BG in accordance with the terms of the application, Ref 250059, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 24-0897, Rev 10, Pages D01, D02, D03, D04, D05, D06, D07, D08 and D09.
  - 3) The external materials of the development hereby permitted shall match those used in the existing dwelling.
  - 4) The rooflights shall not protrude more than 150mm from the roof slope.

### Background and Main Issues

2. This appeal was made on the basis of the Council's failure to determine the planning application within the statutory timescale. The Council has provided an officer's report and statement explaining the reasons why it would have refused planning permission had it been able to do so.
3. A previous appeal was allowed at the appeal site for a rear dormer on the main roof<sup>1</sup>. As such, I will only consider the elements of the proposal which do not form part of the previous appeal, namely the extension over the two-storey rear outrigger.

---

<sup>1</sup> Appeal Reference: APP/U5930/W/25/3359111

4. I observed on my visit that alterations are being carried out to the property, which has been subject to previous refusals of planning permission; and I understand that there is an ongoing enforcement investigation. Nevertheless, I have assessed the scheme before me as a proposal.
5. Considering the above, from the evidence I have before me, the main issues are:
  - the effect of the outrigger extension on the character and appearance of the host dwelling and terrace row;
  - the effect of the outrigger extension on the living conditions of the occupiers of No.36 Mornington Road, with particular regard to privacy; and
  - whether the outrigger extension would provide adequate living conditions for future residents, with particular regard to internal floor area and head height.

## Reasons

### Character and appearance

6. The area is residential and comprises two-storey terraced properties with rear outriggers grouped in pairs. The roofs in the area appear largely unaltered to the front elevation with a number of dormer extensions, including outrigger extensions of varying design and size to the rear.
7. Whilst the Council has raised concerns regarding the over-concentration of conversions in the area, rear dormers, including those above outriggers forms part of the established local character.
8. The proposed outrigger extension would be substantially set back from the rear elevation and marginally from the side. It would step down from the main dormer, and would be viewed as a separate, smaller block of massing, subservient to the original roof form. Further, it would be faced with hanging tiles to match the existing roof. Consequently, it would be in keeping with both the host dwelling and the terrace row.
9. Therefore, I conclude that it would not harm the character and appearance of the host dwelling nor the terrace row. It would accord with Policy 53 of the Waltham Forest Local Plan Part 1 (2024) (WFLP) where it requires development to deliver high quality design, taking account of existing patterns of development and respond appropriately to context in terms of scale, height, and massing. Similarly, it would not conflict with Policies D1 and D4 of the London Plan (2021) which collectively require good design.
10. Further, it would adhere to the guidance within the Waltham Forest Extensions and Alterations Supplementary Planning Document (2010) which suggests that where there is an L-shaped roof extension, it should be broken up into smaller parts.

### Living conditions – No 36 Mornington Road

11. The outrigger extension would include a rear facing window within the proposed bathroom. Due to its orientation towards the properties own rear garden, views from it towards No 36's windows and rear garden would be fleeting and at an angle.
12. The side facing first floor windows have been brought to my attention. Whilst there is only a small distance between these windows and No 36, they are existing and have been in situ for a lengthy period of time. The proposed rear outrigger itself, would not increase the opportunities for overlooking beyond the existing condition.
13. Accordingly, I conclude that the outrigger extension would not harmfully affect the living conditions of the occupiers of No.36 Mornington Road, with particular regard to privacy. It would not conflict with WFLP Policy 57 where it requires development to respect the amenity of existing occupiers, including avoiding harmful impacts from overlooking, and the loss of privacy.

### Living conditions – future residents

14. Whilst I note, the council's concerns that the flat would fail to meet the nationally described space standards, these standards are intended for use when considering proposals for new homes. The proposal before me is for an extension to an existing property.
15. The outrigger extension would be used for a bathroom, utility and cupboard space. The remainder of the property would provide for two bedrooms, an ensuite, a living room, a kitchen, an office and storage. Although less than the height of the existing first floor rooms, the head height within the outrigger extension would be adequate so as not to impede day to day living. Moreover, the spaces within the property are of a sufficient size to allow for off the shelf furniture and daily activities.
16. As such, I conclude that the proposal would provide adequate living conditions for future residents, with particular regard to internal floor area and head height. It would accord with Policies 16, 48 and 56 of the WFLP, which amongst other things seek to ensure that residential properties are functional, adaptable and accessible whilst supporting the health and well-being of occupiers.

### Other Matters

17. Whilst I have considered representations regarding the property's planning history, its occupancy and maintenance, and unauthorised works, I have dealt with the scheme before me on its planning merits. Neither the description of the proposal, nor the submitted drawings, refer to the creation of two separate dwellings. In any event, the creation of an additional unit of accommodation would require a further application for planning permission.

### Conditions

18. Aside from the statutory condition required to set the necessary time limit for development [1], a condition is required to indicate the approved plans in order to provide certainty [2]. In the interests of the character and appearance of the host property and the area, a condition is needed to match the proposed facing materials with that of the existing dwelling [3] and a further condition is required so that the permitted rooflights shall not protrude more than 150mm above the host's roof [4].

## **Conclusion**

19. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the National Planning Policy Framework, and therefore the appeal is allowed.

*K Allen*

INSPECTOR