



Appeal Decision

Site visit made on 17 June 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th July 2025

Appeal Ref: APP/U5930/W/25/3363587

365A, High Road, Leytonstone E11 4JT

- 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 KAB Property Management Limited against the decision of Waltham Forest London Borough Council.
 - The application Ref is 242051.
 - The development proposed is erection of mansard roof. Increase of roof height.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was changed by the Council. I have used the description on the application form.
3. The appellant refers to a proposed plan submitted with the appeal, which would replace those submitted with the application, and which I am requested to consider. This would change the proposed layout to that of a 2-bed 3-person flat. As this relates to one of the reasons for refusal, I am satisfied that it represents a substantive change, acceptance of which would prejudice interested parties.
4. The appeal process should not be used to evolve proposals. Revisions intended to overcome refusal reasons should normally be tested through a fresh application. I have therefore determined the appeal based on the plans that were before the Council when it made its decision and on which parties were consulted.

Main Issues

5. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area and
 - whether the proposal would provide adequate living conditions for future occupiers, having particular regard to living and storage space.

Reasons

Character and appearance

6. The site comprises a Victorian two-storey mid-terrace former shop converted into two flats. The parade in which it is located has a continuous parapet to the street with 'butterfly' roofs behind. The frontage is rendered and contains two doors to

the street. Most of the rear yard contains an outbuilding. Adjoining units have also been converted, but several further along remain in commercial use.

7. The proposal would convert the roof by building up the party walls either side of the 'butterfly' valley to form gables and installing a mansard roof in between. The parapet to the street would be retained and this would mean only the upper part of the mansard would be visible from across the street. More would be visible from rear gardens or windows of houses on Birch Grove behind the site.
8. The appellant refers to mansard roof proposals approved on application or appeal in similar contexts. However, I have no details of those cases to compare with the appeal proposal. As the Council points out, there are no mansard roofs nearby. The National Planning Policy Framework supports upward extensions only where they are consistent with prevailing forms and compliant with local design policies.
9. The Council's Residential Extensions and Alterations Supplementary Planning Document states that mansard roof extensions will generally not be acceptable unless carried out in conjunction with neighbours to achieve a meaningful group of roof alterations. As only one such extension is proposed and neither neighbour has one already, the proposal would not comply with this guidance.
10. Consequently, whilst not inherently unsuitable, as a standalone extension, the proposal would disturb the existing rhythm of the street and cause harm to the roofscape, contrary to Policy 53 of the adopted Waltham Forest Local Plan Part 1 (2024) (WFLP), which supports developments that reinforce local character, including existing development patterns, and respond to their context. I attach significant weight to this conflict with policy.

Living conditions

11. The appellant has not substantially challenged the Council's evidence in respect of the adequacy of living and storage space. As the Council points out, the proposed kitchen is too small to meet the standard for kitchen, living and dining space.
12. The overall floor area would be too small to meet the 84sqm standard for a 3-bed, 4-person, 2-storey dwelling and would fail to provide the minimum 2.5sqm built-in storage. Furthermore, the proposed study could easily be used as a bedroom, which would further exacerbate these shortcomings.
13. Therefore, the proposal would fail to provide adequate living conditions for future occupiers with regard to living and storage space. Whilst the standards in Policy 56 of the WFLP are material, the proposal is for an extension and not a new home, so it is not clear that this policy applies.
14. However, Policy 53 of the WFLP applies to all developments, which must be fit for purpose and demonstrate careful consideration of the needs of all building users. I attach significant weight to this policy conflict.

Other Matters

15. Whilst the appellant states that the proposal would be constructed with sustainable materials to a durable design, I have no details other than the application form and drawings. Consequently, I can assume only that they will comply with the Building Regulations and so attach neutral weight to this.

16. The appellant notes that the proposal impacts no designated heritage assets and refers to appeal cases for similar proposals where no harm was found to heritage assets. This appears to be common ground, albeit I have no details of the appeal cases before me to compare. Again, I attach neutral weight to this.
17. Whilst the proposal would provide additional living space, which would contribute to housing needs, I have found that this space would be sub-standard, so I attach no more than modest weight to this benefit.

Conclusion

18. For the reasons given above the appeal should be dismissed.

S Simms

INSPECTOR