



Appeal Decision

Site visit made on 29 July 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/W5780/W/25/3364526

67A Nightingale Lane, Wanstead, Redbridge, London E11 2EY

- 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 Mohammad Saqib Mirza against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 3079/24.
 - The development proposed is the creation of a dormer on the side roof slope to accommodate two bedrooms, along with the addition of a skylight and Juliet balcony at the rear on the first and second floors and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a dormer on the side roof slope to accommodate two bedrooms, along with the addition of a skylight and Juliet balcony at the rear on the first and second floors and internal alterations at 67A Nightingale Lane, Wanstead, Redbridge, London E11 2EY in accordance with the terms of the application Ref 3079/24 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no's: Location Plan (at a scale of 1:1250), Proposed Site Plan (PL-01-67NR-SD107), Proposed Plans (PL-01-67NR-SD104), Proposed Elevations (PL-01-67NR-SD105), Proposed Cross Section A-A (PL-01-67NR-SD106) and 3D Views (PL-01-67NR-SD108).
 - 3) The external materials of the development hereby permitted shall be constructed in the material shown on the approved drawings and the submitted planning application form.
 - 4) The windows on the side elevation of the dormer hereby permitted shall be fitted with obscured glazing, and no part of these windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the character and appearance of the host building and the area, and (ii) the living conditions of neighbouring residential occupiers with regards to privacy.

Reasons

Character and appearance

3. The appeal site forms part of a semi-detached property which is situated on Nightingale Lane. A range of buildings can be seen in the area including terraces and semi-detached buildings of differing designs and set at varying distances from the highway, as well as a four-storey apartment block. This variation is reflected at roof level where traditional pitched roofs, hipped roof forms as well as buildings with flat roofs can all be seen in the vicinity of the site. This built form provides for a pleasant, mixed character to this predominantly residential area.
4. The proposed development includes for a side dormer which would occupy most of the side roofslope. It would only be set in a minimal distance from the edges of the roof and in this regard, it would not meet the guidance set out in the Housing Design Supplementary Planning Document (SPD).
5. Despite its large size and positioning at a high level, it would broadly reflect the size and form of the dormer on the adjoining semi-detached property at 65 Nightingale Lane and would thereby introduce a greater degree of balance at roof level between these pair of properties. Whilst the dormer on the adjoining property was built using permitted development rights, it nonetheless exists as a feature in the streetscene and has created an imbalance between this pair of properties.
6. The relationship between the appeal property and the neighbouring property at 69 Nightingale Lane is different to that of No. 65. It has not however been explained why this difference is of significance in this case. From my site observations, the neighbouring property at No. 69 is an end-terrace with a gable-end roof and the proposed box form of the dormer would not be visually jarring with this neighbouring building.
7. More widely, my attention has been drawn to a variety of dormers in the vicinity of the site. Whilst the circumstances of these examples differ to that of the appeal proposal, the range of dormer extensions that can be seen from public vantage points contributes to the area's mix character and in this context, the proposed dormer would not adversely impact the visual amenity of the locality.
8. The proposed development includes alterations to form a Juliet balcony at first floor level. Given its siting at the rear of the building, and the size and positioning of this proposed Juliet balcony, it would appear as a sympathetic alteration to the host building.
9. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the host building and the area. As such, it would be compliant with Policies LP26 and LP30 of the Redbridge Local Plan 2015-2030 (Local Plan) and Policy D3 of The London Plan, which seek, amongst other matters, high quality design that respects the local character of the area. Although the proposal would not comply with certain specific guidance within the SPD, it

would not conflict with its aims, which amongst other matters, includes seeking development proposals to respect and maintain the prevailing urban character.

Living conditions

10. The proposed dormer would directly face at a close distance the windows serving habitable rooms of the neighbouring building at No. 69. It is however proposed for the side facing windows to be obscure glazed and non-opening up to 1.7m above the floor level in the respective room. This would prevent direct overlooking, although the Council has raised concerns on perceived overlooking.
11. The side-facing windows would be large in size and sit in an elevated position in relation to the windows on the neighbouring property. The differing eaves height of the appeal building and those of No. 69 are noted. This arrangement would lead to some increase in the perception of overlooking relative to the existing position. However, the close proximity and the difference in levels between windows would also create an angled relationship that would serve to limit the degree of such harm. As such, I do not consider that there would be material harm to the living conditions of this neighbouring property's occupiers from the perception of overlooking.
12. The rear Juliet balconies would face a small garden area that is understood to serve the ground floor flat at 67 Nightingale Lane. An existing bedroom window at the appeal property already has views of this neighbouring garden area, and the proposal, although increasing the glazed area on the rear elevation, would not result in harmful overlooking relative to the existing position.
13. I therefore conclude that the proposed development would be acceptable in relation to the living conditions of surrounding residential occupiers with regards to privacy. As such, it would comply with Local Plan Policies LP26 and LP30, which seek, amongst other matters, for development to not result in adverse impact upon the amenity of neighbouring occupiers. It would also comply with Paragraph 135 of the National Planning Policy Framework (Framework), which seeks a high standard of amenity for existing and future users.

Other Matters

14. I note the concerns by a neighbouring occupier in relation to on-street parking availability, but given the proposal relates to an extension to an existing flat, this would not result in a significant increase in parking demand.
15. In relation to effects on levels of light received by the neighbouring property at No. 69, as the proposed dormer would not extend above the ridge, I don't consider that a significant loss of light would occur.

Conditions

16. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
17. A materials condition is necessary in the interests of the character and appearance of the host building and the area. A condition is also required to ensure the side-facing windows in the proposed dormer are obscure glazed and non-opening up to a certain height in the interests of the living conditions of neighbouring occupiers.

Conclusion

18. The proposal would comply with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR