



Appeal Decision

Site visit made on 14 January 2026

by **E Everitt BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/U5930/W/25/3375609

107 Clementina Road, Leyton E10 7LU

- 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 Zaheer Akhtar against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 252069.
 - The development proposed is erection of flat roof extension to ground floor flat to form additional bedroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the comments made in respect of inaccuracies within the submitted drawings. However, I consider the plans before me to be sufficiently accurate to assess the areas of dispute without being prejudicial to interested parties. I am assessing the scheme as indicated on the submitted plans as that is the scheme for which permission is sought.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and surrounding area;
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to internal space provision, daylight, ventilation and privacy; and
 - the effect of the proposed development on the living conditions of occupiers of the first floor flat at 107 Clementina Road, with particular regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal site is a 2-storey end-of-terrace property that is sub-divided into 2 flats. It is located in a prominent position at the corner of Clementina Road and Morieux Road. From here, its 2-storey rear outrigger is visible within the street scene, extending into the rear garden which is enclosed by a high brick wall.

5. I observed on site that the appeal property has a comparatively shallow rear outrigger compared to some neighbouring properties. Its depth is, however, consistent with the outrigger at 103/105 Clementina Road located on the other side of the junction between Clementina Road and Morieux Road.
6. The appeal site is located within an area which is residential in character, predominantly comprising terraced dwellings. While there is some variety in elevational treatment and rear outrigger depth, there is a broad uniformity to the surrounding area in terms of the scale, form and massing of built form as well as the depths of rear gardens. Like the main terraces, the outriggers tend to have pitched roofs. Flat roofs are rare.
7. The proposed development is a single-storey rear extension extending across the full width of the existing 2-storey outrigger. The proposed extension would considerably increase the footprint of the appeal property, extending 5m into the rear garden. By reason of this depth, the proposed extension would overwhelm the existing built form and dominate the rear of the existing building.
8. As such, although materials comparable to the existing property would be used and the extension would be consistent with the height of the existing ground floor, it would adversely affect from the character and appearance of the existing building.
9. The proposed extension would result in built form extending deeper into the garden than is typical in the surrounding area, including at No 103/105. The eaves of the extension, extending above the height of the boundary wall, and the flat roof would be highly evident within the street scene along Clementina Road and Morieux Road. In these views, the proposal would appear as an incongruous form of development at odds with the established pattern of development along Clementina Road.
10. For the above reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the host building and surrounding area. As such, it is contrary to the relevant provisions of Policy 53 of the Waltham Forest Local Plan Part 1 (2024) (the Local Plan). This policy seeks to ensure, among other things, development which reinforces and/or enhances local character and distinctiveness, including taking into account existing patterns of development, and responds appropriately to its context in terms of scale, height and massing.

Living conditions for future occupiers

11. The proposed development would create an additional bedroom within the ground floor flat, resulting in a total of 3 bedrooms. The extended dwelling would have an internal floor area of 67sqm. Having regard to the proposed floor plans, the floor area would be very small for a 3-bedroom dwelling.
12. Moreover, the proposed floorspace would not accord with the relevant Nationally Described Space Standard (NDSS) for a 3-bedroom dwelling, with a shortfall of 7sqm. This represents a substantial shortfall in internal space provision compared to the NDSS, which is to be treated as a minimum. In this context, the proposed development would not provide an acceptable quantum of internal space for future occupiers.

13. The proposed bedroom would have a window facing onto the garden space used by the first floor flat at No 107. I acknowledge that the window is existing and that one of the existing bedrooms has a window which faces onto the garden space. However, the addition of a further bedroom with its only window facing onto garden space used by another dwelling would result in the privacy of future occupiers being further diminished.
14. In respect of the proposed kitchen and living area, the plans before me show a window and a fully glazed door on the rear elevation of the proposed extension. While the proposed window would be relatively small, it appears to be shown as being capable of being opened. Moreover, when considered alongside the glazed door, there would appear to be sufficient glazing to provide adequate levels of daylight to the room. As such, I am satisfied that sufficient ventilation and daylight could be achieved in the proposed development.
15. Nonetheless, taking the above into account, I conclude that the proposed development would not provide acceptable living conditions for future occupiers, with regard to internal space provision and privacy. Therefore, the proposal does not accord with the relevant provisions of Policy 56 of the Local Plan. Among other matters, this policy seeks to ensure acceptable living conditions for future occupiers include through meeting the prescribed minimum internal space standards.

Living conditions for occupiers of first floor flat at No 107

16. The garden serving the first floor flat at No 107 lies along the boundary with the appeal site. Whilst the existing outrigger at the appeal property limits the existing outlook from No 107 to a degree, the majority of the garden is not enclosed by built form. Consequently, the garden has a reasonably open outlook. Occupiers of No 107 would reasonably expect these existing outlook levels to be maintained.
17. By reason of its height, in excess of the existing boundary fence, and siting along the boundary of the garden used by the first floor flat, the proposed extension would increase the sense of enclosure experienced in the garden. Consequently, it would adversely affect the outlook of the occupiers of the first floor flat.
18. From the plans before me, it is evident that no additional windows are proposed on the side elevation. The use of one room with a window facing onto the garden space would change from a dining room to a bedroom. However, in my experience, the change of use of a dining room to a bedroom would be unlikely to result in additional overlooking. I am, therefore, satisfied that the proposed development would not result in additional overlooking of the garden area used by the occupiers of the first floor flat compared to the existing circumstances.
19. Nonetheless, for the above reasons, I conclude that the proposed development would have a harmful effect on the living conditions of occupiers of the first floor flat at 107 Clementina Road with particular regard to outlook. As such, the proposal is contrary to the relevant provisions of Policy 57 of the Local Plan. This policy seeks to ensure, among other things, that new development respects the amenity of neighbours by avoiding harmful impacts from enclosure and outlook.

Conclusion

20. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

E Everitt

INSPECTOR