

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 14 th June 2022
Application reference:	213609
Applicant:	Southern Territory Ltd
Location:	19-24 Woodedge Close, Chingford E4 6BB
Proposed development:	Prior approval for the construction of a roof extension on a detached residential building to create a third floor, providing two self-contained flats (2 x 2 bedroom Use class C3). Associated works to include landscaping, refuse and cycle storage.
Wards affected:	Chingford Green
Appendices:	None

1. RECOMMENDATION

- 1.1. That prior approval be GRANTED, subject to conditions and informatives.

2. REASONS REFERRED TO COMMITTEE

- 2.1. The application has been referred to planning committee due to the level of public interest.

3. SITE AND SURROUNDING AREA

- 3.1. The application site is one of three residential detached block of flats located on the western side of Woodedge Close, off Forest Side, Chingford E4. The building is three storeys in height on a large rectangular plot and currently hosts six self-contained flats which are spread across the ground, first and second floor level. To the rear amenity space is provided to the ground floor units.
- 3.2. The surrounding area is predominantly residential in character with mainly two storeys residential dwellings. However, examples of lower and taller buildings are present within the locality of the site.

- 3.3. To the north of the site is a soft landscaped area previously in use with the adjoining riding school, whilst to the east is the car park of the public house which faces Forest Side. To the west the site adjoins the field of the Chingford Cricket Club whilst to the south are the rear gardens of residential family dwellings facing Faversham Avenue. The building fronts a large hardstanding area providing informal car parking, adjacent to which is a row of single storey block of garages.



- 3.4. Whilst the site is located within an area that has a Public Transport Accessibility Level (PTAL) 2, however, the site is within 0.5 mile (10 minutes' walk) to the North Chingford District Town Centre with numerous public services available including the main bus station and the Overground station providing a direct link to Walthamstow Underground within 10 minutes and Liverpool Street Station within 30 minutes. The site is also within walking distance of Epping Forest for general amenity.
- 3.5. The property is not located within a Conservation Area, is not listed and is not subject to any other Article 4 Direction.

4. APPLICATION PROPOSAL

- 4.1. This application has been submitted to the Local Planning Authority to determine whether prior approval is required for the construction of a roof

extension to a detached blocks of flats to create a new fourth floor level providing 2 x 2 bed self-contained flats (Class C3).

- 4.2. In August 2021 the Government introduced five new permitted development rights (PDR) to allow for the upward extension of different types of residential and commercial properties to create additional homes.
- 4.3. These are subject to meeting various conditions set by the Government and 'prior approval' from the Council on specified matters.
- 4.4. This application follows on from a previously refused application to create fourth and fifth floor levels providing four self-contained flats (4 x 2-bed).

5. RELEVANT SITE HISTORY

A. Planning

- Planning Application reference 1963/0137A, for the construction of 18 x 2 bedroom flats (3 storey) in 3 blocks, 6 x 3 bedroom houses with integral garages, 18 garages and 6 parking spaces

Planning permission granted on 29/04/1964.

- Prior Approval Application reference 211735, for the construction of a roof extension at 19-24 Woodedge Close to create fourth and fifth floor levels providing four self-contained flats (4 x 2-bed) (Class C3), along with associated landscaping, refuse and cycle storage.

Prior Approval was refused on the 21-07-2021, for the following reasons:

1. The development was contrary to the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as set out at Class A1. (e) (ii) of Schedule 2, Part 20 as the proposed internal floor to ceiling height would have exceeded the height of the floor to ceiling height, measured internally, of any of the principal part of the existing building.
2. Due to the absence of a parking/traffic assessment the proposal failed to demonstrate the impact of the addition of four additional flats in the existing parking/highway infrastructure.
3. The proposed development due to its excessive height, scale and incongruous design would have appeared as a bulky and overly dominant form of development failing to appropriately respond to the host building and the surrounding area to the visual detriment of the general openness of this suburban locality, setting a poor design precedent for future developments

B. Pre-Application

- PRE_21_0018 development associated to 3 block of flats on Woodedge Close relating to the Construction of 2 storey roof top extension to provide 12 flats across the three buildings under Prior Approval.

C. Enforcement Investigations / Notices

- None

E. Adjacent Sites

7-12 Woodedge Close

- Prior Approval Application Reference: 211672 for the construction of a roof extension on a detached residential building to create fourth and fifth floor levels providing four self-contained flats (4 x 2-bed) (Class C3), and associated landscaping, refuse and cycle storage.

Prior Approval Refused - 21-07-2021

- Prior Approval Application Reference 213607 for the construction of a roof extension on a detached residential building to create a third floor providing two self-contained flats (2 x 2 bedroom use Class C3), and associated works to include landscaping, refuse and cycle storage.

To be determined at committee meeting on the 14th June 2022.

13-18 Woodedge Close

- Prior Approval Application Reference: 211734 for the construction of a roof extension on a detached residential building to create fourth and fifth floor levels providing four self-contained flats (4 x 2-bed) (Class C3), and associated landscaping, refuse and cycle storage.

Prior Approval Refused - 21-07-2021

- Prior Approval Application Reference: 213608 for the construction of a roof extension on a detached residential building to create a third floor providing two self-contained flats (2 x 2 bedroom Use class C3), and associated works to include landscaping, refuse and cycle storage.

To be determined at committee meeting on the 14th June 2022.

6. PUBLIC CONSULTATION

6.1. The Council circulated 61 consultation letters to local residents, as follows:

- First Floor Flat, The Queen Elizabeth Public House, 95 Forest Side, Chingford, London, E4 6BA
- 1-24 Woodedge Close, Chingford, London, E4 6BB
- 14-36 (Even) Faversham Avenue, E4 6DT
- 71-101 (Odd) Forest Side, E4 6BA

- 1-11 (Odd) Victoria Road, Chingford, London, E4 6BY
- Chingford Cricket Club, 1a Kimberley Way, Chingford, London, E4 6DE

6.2. The application was advertised via a site notice on the 01/12/2021.

6.3. The Council received a total of 88 letters, all objections, as a result of the public consultation.

6.4. The representations relating to the issues of concern raised are detailed in the table below, and are also matters which are addressed within the “Assessment” section of this report.

Objection received	Response
Design	
Impact on the character of the area and fails to respect the character of the original building.	Where the previous submission was refused on the basis of the appearance of the development relevant to the host building and the wider surrounding area, these matters have been reviewed by the applicant and will be assessed further below in the report. The proposal is considered to have an acceptable impact upon the character and appearance of the host property and surrounding area, as discussed in more detail Section e of this report.
Impact on views	No protected views are impacted by the proposal. Impact upon private views is purely a private matter and not a material planning consideration.
It would set a precedent	Each application is assessed on its own planning merits, and relevant planning considerations.
Neighbouring Amenity Impact	
<ul style="list-style-type: none"> • Overlooking and loss of privacy • Overbearing Impact • Impact on daylight / sunlight • Overshadowing 	Officers have undertaken their own assessment of the proposal impact, and consider that the development would not unduly harm the daylight/sunlight received by surrounding neighbouring occupiers. This is discussed further in the assessment section of the report. The proposal is considered to have an

	acceptable impact upon the residential amenity of neighbouring occupiers, as discussed in more detail Section g of this report.
Dust and noise pollution during construction works	A construction management plan is to be submitted by way of condition to ensure disruption is minimised to existing residents within the building. The proposed works would also be subject to the control of pollution act.
Highway/Transport Impact	
Impact on parking pressure	Officers have undertaken their own assessment of the proposal impact and consider that the development would not unduly impact upon on-street parking pressure or highway safety within the locality of the site. This is discussed further in the assessment section of the report. The proposal is considered to have an acceptable impact upon on-street parking pressure and highway safety, as discussed in more detail Section a of this report.
Access for emergency services	The additional floor level would not restrict access for emergency services over and above the existing site circumstances. Issues of fire safety would be subject to building regulations compliance.
Issues regarding location of cycle storage	Indicative details of cycle parking are shown for the proposed units. A condition is to be attached to ensure that full details of the facilities are provided.
Other Matters	
Impact on Epping Forest	The closest block of flats along Woodedge Close would be at least 75 metres away from Epping Forest North, a sufficient distance as not to impact visually upon the openness in views in and out of the Forest. For applications received after 1st April 2019 a SAMM levy is requested for all new residential developments of 10 units or more to

	contribute towards the Epping Forest mitigation. This is calculated at £100 per unit. The SAMM levy is not being sought for schemes of less than 10 units as the administrative costs are greater than the amount collected. Natural England is supportive of this approach, provided the total expected contribution is delivered.
Pressure on existing drainage	This would be subject to building control requirements and utility infrastructure provided by Thames Water.
Health and safety / Fire safety concerns	This would be a matter for health and safety legislation.
Overcrowding and impact on local services	The proposal would only result in a relatively small increase in terms of level of occupancy and would not amount to overdevelopment of the site to an unacceptable degree. The development would be liable for Community Infrastructure Levy payments which are in place to help fund local infrastructure needs arising from new development. Details of which are outlined in an informative.

7. OTHER CONSULTATIONS

Consultees	Response
Design Officers	No comments received.
Waste Strategy	No comments received.
Environmental Health	No comments received.
Highways	Parking stress will increase on the surrounding roads, and this is not acceptable to Highways. Highways recommend this prior approval is refused.

	<p>If the development were to be supported, the following would be required:</p> <ul style="list-style-type: none">• Planning condition required submission CLP• Via s106 requirement for contribution of £1,000 would be requested towards future CPZ consultation and implementation and £2,000 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity.• Financial contribution of - £500.00 towards monitoring of the Construction Logistics Plan.• S278 works will be required upon completion of the works relating to the development prior to occupation. An application for Highway Works will be required. Extent of works will include but are not limited to:<ul style="list-style-type: none">- Renewal of the footway along the frontage of the site.- Review of the waiting and loading restrictions in Woodedge Close include a traffic management order.
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8. Schedule 2, Part 20 – Construction of New Dwellinghouses of The Town and Country Planning (General Permitted Development) (England) Order

- 8.1. In August 2021 the Government introduced five new permitted development rights (PDR) to allow for the upward extension of different types of residential and commercial properties to create additional homes. A new permitted development right was also introduced to allow upward extension of existing homes to create additional space.
- 8.2. These are subject to meeting various conditions set by the Government and 'prior approval' from the Council of specified matters. This application is, therefore, assessed against the criteria's set out by this legislation

9. Planning Policy

National Planning Policy Framework (2021)

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It is material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.

For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high-quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes'

The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:

- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieve well-designed places
- Delivering a wide choice of high quality homes

The London Plan (2021)

On Tuesday 2nd March 2021 The Mayor of London published the replacement London Plan. From this date, it forms part of the Development Plan for the purpose of determining planning applications.

The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect. The relevant policies within the London Plan 2021 are:

- GG1 Building Strong and Inclusive Communities
- GG2 Making Best Use of Land
- GG4 Delivering Homes Londoners Need
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible Housing
- D12 Fire Safety
- D14 Noise
- H1 Increasing housing supply
- H10 Housing size mix
- T5 Cycling

- T6 Car Parking
- T7 Deliveries, Servicing and Construction

Waltham Forest Local Plan Core Strategy (2012)

The Waltham Forest Core Strategy (2012) was adopted on 1st March 2012. The Core Strategy contains 16 policies designed to deliver the Council's vision for the physical, economic, environmental and social development of the Borough. These policies will be used to direct and manage development and regeneration activity up to 2026.

The policies considered relevant to this application are as follows:

- CS1: Location and Management Growth
- CS2: Improving Housing Quality and Choice
- CS4: Climate Change
- CS5: Enhancing Green Infrastructure and Biodiversity
- CS6: Promoting Sustainable Waste Management and Recycling
- CS7: Developing Sustainable Transport
- CS15: Well Designed Buildings, Places and Spaces
- CS16: Making Waltham Forest Safer

Waltham Forest Local Plan Development Management Policies (2013)

The Local Plan Development Management Policies Document was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:

- DM1- Sustainable Development and Mixed Use Development
- DM2- Meeting Housing Targets
- DM4 - Residential Extensions and Alterations
- DM7 - External Amenity and Internal Space Standards
- DM14 - Sustainable Transport Network
- DM15 - Managing Private Motorised Transport
- DM16 - Parking
- DM29 - Design Principles, Standards and Local Distinctiveness
- DM30 - Inclusive Design and the Built Environment
- DM32 - Managing Impact of Development on Occupiers and Neighbours

Shaping the Borough – London Borough Waltham Forest Draft Local Plan Part One Submission Draft April 2021)

The Draft Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed Submission Version between 26th October 2020 and 14th December 2020. It has now been submitted to the Secretary of State for examination. This is an early stage of the plan making process and less weight will be given to its policies.

The Draft new Local Plan proposes to be a “combined” document comprising 12 thematic policies and a revised spatial strategy, splitting the borough into North, South and Central Waltham Forest.

The Draft Local Plan clearly sets out the Council’s growth agenda which seeks to facilitate the sustainable delivery of 27,000 new homes and 46,000sqm of employment floorspace over the next plan period. The draft policies relating to housing type and mix are reflective of the London Plan (2021).

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 12 Increasing Housing Supply
- Policy 19 Small Sites
- Policy 56 Delivering High Quality Design
- Policy 58 Residential Space Standards
- Policy 59 Amenity
- Policy 68 Managing Vehicle Traffic
- Policy 100 - Infrastructure and Developer Contributions

OTHER MATERIAL CONSIDERATIONS

Other Policies

- The London Plan, Supplementary Planning Guidance – Housing (2016)
- Department for Communities and Local Government Technical housing standard – nationally described space standard.
- Supplementary Planning Document Urban Design (2010)
- Supplementary Planning Document Residential Extensions and Alterations (2010)
- Living with beauty: report of the Building Better, Building Beautiful Commission (2020)

10. MATERIAL PLANNING CONSIDERATION.

High Court Decisions

10.1 When considering this application, the following High Court decision needs to be taken into consideration, when the Council is assessing the relevant planning considerations, in relation section 11 (II):

- Cab Housing Limited, Beis Noeh Limited, and Rotenbe v Secretary of State for Levelling Up, Housing and Communities, Broxbourne Council, and Haringey London Borough Council [2022] EWHC 208 (Admin) (3 February 2022).

The judgment relates to the appeal decisions "APP/W1905/W/20/3265298", "APP/Y5420/D/21/3268817", and "APP/Y5420/D/21/3277589".

Each of these appeal decisions related to an application for prior approval under Part 1 Class AA of the GPDO (i.e. "enlargement of a dwellinghouse by construction of additional storeys").

In summary the judgement found the following:

- "impact on the amenity of any adjoining premises" is not limited to the impact on "overlooking, privacy and the loss of light". For example, it can include the impact on other aspects of amenity such as "outlook, noise and activity".
- "impact on the amenity of any adjoining premises" is not limited to the impact on properties that "abut, or are contiguous with, the subject property". For example, it can include the impact on other properties that are "neighbouring premises" (note: these do not have to be "residential premises").
- The assessment of the "external appearance of the dwellinghouse" is not limited to "the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway". For example, it can include the external appearance of other elevations such as a side elevation that doesn't front a highway or a rear elevation (note: these do not have to be "public facing elevations").
- The assessment of the "external appearance of the dwellinghouse" is not limited to the impact of that appearance on the "subject property itself". For example, it can include the impact of that appearance on "neighbouring premises and the locality".

11. ASSESSMENT

11.1 In assessing this application, the Council can only consider the criteria as set out in Class A of Schedule 2, Part 20 of the Town, and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11.2 For any development to fall within the provisions of permitted development, the application site should not fall within a Conservation Area and Permitted Development rights should not have been removed by any previous planning consents. The development meets these provisions.

11.3 The Council is therefore required to carry out an assessment in two parts, as follows:

(I) Permitted Development Technical Criteria, as set out within the provisions of Class A.1

(II) Assessment of material consideration for Council to consider, as set out within the provisions of Class A.2

(I). Permitted Development Technical Criteria (Class A.1)

11.4 There are various technical criteria's setting the limitations to the application, which vary depending on the type of property, these include:

- Age of building
- Minimum existing building height

- Maximum total height
- Maximum additional height
- Minimum floor to ceiling height of additional floors
- Provision of only flats
- Engineering operations only for strengthening walls or foundations and installation of utilities

11.5 The full list of criteria in which the application would need to fall within is attached to Appendix 1 of this report. Officers have assessed the development against these technical criteria, and find the development complies with these provisions, as set out in Appendix 1. Assessment under provisions of Class A.1 do not form part of the considerations brought forward to planning committee, as these are not a matter of planning judgement.

(II) Material Planning Considerations

11.6. Paragraph A.2 of the Town and Country Planning Act Schedule 2, Part 20 – Construction of New Dwellinghouses of The Town and Country Planning (General Permitted Development) (England) Order sets out the material planning considerations the Council would need to consider as part of Upwards Development Application.

11.7.

These relate to the following and form a part of the officers assessment in the remainder part of the report, and are considerations put forward for Planning Committee for consideration.:

- (a) transport and highways impacts of the development;
 - (b) air traffic and defence asset impacts of the development;
 - (c) contamination risks in relation to the building;
 - (d) flooding risks in relation to the building;
 - (e) the external appearance of the building;
 - (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
 - (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
 - (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State, and
 - (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and
 - (j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building
- Internal Space Standards

a. Transport and Highways Impact of the Development;

- Car Parking

- 11.8. Policy T4 of the London Plan (2021) states development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed.
- 11.9. Development should not adversely affect safety on the transport network. Policy CS7 of the Local Plan Core Strategy (2012) states the Council will facilitate growth and regeneration in a sustainable manner and promote sustainable travel by requiring Transport Assessments and Travel Plans where appropriate in support of planning applications to determine potential transport impacts and to demonstrate how the development minimises and mitigates the expected impacts.
- 11.10. Policy DM13 of the Local Plan - Development Management Policies (2013) also seeks to ensure that development is properly integrated with the transport network by requiring development proposals to submit Construction Logistics Plans.
- 11.11. The site does not sit within a Controlled Parking Zone therefore the proposed development is not eligible for a car-free status. The Council's Highways Officers were consulted as part of the application and have objected to the proposed development, noting that parking stress will likely increase on the surrounding roads as a result of the development.
- 11.12. As part of the assessment of the previously refused application at the site, it was considered 'given that the proposal was not accompanied by a transport assessment, the proposal failed to demonstrate its impact and in the absence of this information found to have an unacceptable transport and highways impact.'
- 11.13. On this occasion, the current application has been supported by a Transport Statement detailing parking conditions within the locality of the site, including the results of a Parking Stress Survey. The survey was carried out in line with the Lambeth methodology which is a standard way of surveying residential on-street parking pressures in London within 200m walking distance of an application site, overnight on two different nights, when parking occupancy is expected to be highest as most residents are expected to be home then. There is no requirement to conduct additional surveys over a longer period of time and more days to form a view about existing on-street parking pressures local to the site.
- 11.14. Given the low number of additional residential units proposed, the increase in parking demand from the scale of the development, including that of the potential additional units to the other blocks of flats along Woodedge Close, would likely be between 4-6 parking spaces.
- 11.15. Furthermore, whilst the information submitted within the Transport Statement highlights that Woodedge Road itself has no capacity for any additional parking, however, the parking stress survey results show that there is sufficient spare capacity within 200m walking distance of the site to accommodate the additional on-street car parking demand arising from the development

proposals. What is more, there are a number of properties within the locality that benefit from off-street parking and therefore reducing the reliance upon on-street parking places for existing local residents.

11.16. It is noted that issues have been raised by a third-party transport consultant in relation to the validity of the submitted transport assessment, specifically regarding the inclusion of Warren Pond Road & Beech Tree Glade. However, even if these roads were to be excluded from the survey, the results still show capacity on the surrounding network including Forest Side to accommodate the spaces required to support the development.

11.17. In addition, the site is served by local bus routes within a 5 minute walk and is also located within a 9 minute walk of Chingford Station, increasing the likeliness that future occupiers at the site would use more sustainable modes of transport.

11.18. Overall, despite the Council's Highways Team objecting to the proposed development, the submitted information shows that there would be sufficient capacity within the local network to accommodate the potential increase in car parking demand arising from the development. In accordance with the aforementioned policies and would overcome the previous refusal in relation to the impact upon local parking conditions / highway infrastructure.

- Cycle Parking

11.19. Policies CS7 and DM14 of the adopted Local Plan requires a minimum of 4, 2 cycle storage space for each of the 2 flats, which would need to be secure and convenient cycle parking spaces for dwellings with 2+ bedrooms, in accordance with the Council's Cycle Parking Standards. Policy T5 in the London Plan 2021 requires all residential dwellings above 2 persons to provide 2 long-stay spaces per dwelling.

11.20. The proposal includes 10 cycle storage spaces, therefore in compliance with the aforementioned policies. However, further detail would be required in terms of the cycle parking enclosure. As such these aspects of the development would be secured by a way of planning condition to ensure that the development complies with the objectives of adopted Local Plan policy DM16.

- Construction/Demolition

11.21. A Construction Management Plan (CMP) would be required and secured by a planning condition. The purpose of the CMP is to help the developer minimise the construction impacts related to both on-site activity and the transport arrangements for vehicles servicing the site, whilst setting out the detailed procedures, sequencing and methodology to be followed by the project team to deliver the scheme. The Council's Highways Team have commented on the submitted detail and have raised some areas of clarification. These elements

could be adequately dealt with as part of the full details to be provided as part of the aforementioned condition.

11.22. The proposal would not require significant levels of demolition and therefore the proposal would not give rise to concerns in relation to producing excessive levels of dust / pollution that would warrant further details other than to comply with the Control of Pollution Act.

11.23. Given the above, the impact of the proposed development upon on-street parking pressure and highway safety would not warrant refusal of the application and overcomes the 2nd reason for refusal as part of application reference 211735.

b. Air Traffic and Defence Asset Impacts of the Development;

11.24. The Council raises no concerns in relation to this matter, as it would not be relevant given the site location.

c. Contamination Risks in Relation to the Building;

11.25. The proposed works would be on the roof of an existing building, and therefore there would be no issues of contamination risks.

d. Flooding Risks in Relation to the Building;

11.26. The site falls within a Flood Zone 1, and it is not considered that development to the airspace by way of one additional floor, would result in any significant additional impact in respect of flooding.

e. The External Appearance of the Building Including;

11.27. As noted above, the High Court judgement in Section 10, the assessment of the "external appearance of the dwellinghouse" is not limited to the impact of that appearance on the "subject property itself". For example, it can include the impact of that appearance on neighbouring premises and the locality.



- 11.28. The proposed development seeks to construct an additional fourth storey above the existing three storey element, with setbacks incorporated on all sides. An additional fifth storey, as proposed under a previously refused application at the site (reference 211735) has been removed from the proposal. The setback of the additional top floor from the outer edge of the existing façade would measure 0.75m from the front and both sides, as opposed to only 0.5m as part of the previously refused scheme.
- 11.29. The proposed additional floor would be harmonious with the existing building. New windows would largely replicate the size of and align with those on the existing floors below, the lightweight cladding material harmonises with the existing/original materials, the window frames reflecting the style of the existing and incorporating solid panels that are also found below some windows in the existing building. Sufficient set-backs to the front, side and rear of the existing footprint would significantly reduce its visual impact. Its recessive relationship with the floors below would appear as a roof/ a cap to the top of the existing building, materially different from the front façade below, set behind an extended parapet wall to the existing roof level that would serve to reduce the perception of the mass and overall bulk of the extension.
- 11.30. As such, the massing and the overall bulk of the extension would remain compatible with the host building and the elevational treatment would be in keeping with the appearance of the existing building, and as such, is acceptable in design terms.
- 11.31. It is accepted that the resultant building with accommodation at roof level would be taller than the current building on site. However, given the standalone form and scale of the existing building, the one additional floor level with set-backs to each elevation, would not appear significantly more dominant than the

existing building. The use of good quality materials, the alignment of the fenestration, increase in set-backs and reduction in height and the separation distances to that of the more traditional housing stock within the locality mean the design can successfully integrate into the surrounding area.

11.32. It is also important to point out that within the locality there is a variety of different architectural forms with varying building heights to the nearby buildings. That being the case, the sensitivity to physical changes in the area, such as that proposed, is relatively low.

11.33. Whilst the previous submission under application reference 211735 was refused (reason 3) under the assessment of this condition, it is considered the reduction of the proposal by one storey, the increase in the set-back from the front and side elevations, fenestration design and alterations to the materiality of the proposed extension, is sufficient to overcome the previous reason for refusal. Officers therefore consider the proposal is acceptable with regards to satisfying the assessment of this condition and would overcome the 3rd reason for refusal as part of application reference 211735.

11.34. Overall, the proposed development is considered to have an acceptable impact upon the character and appearance of the area given the context of the site. The proposal is considered to sit acceptably within the character of the area relating to the surrounding built form and reflecting neighbouring properties. It is considered that the proposed development would comply with the requirements of Draft Local Plan Policy 56, Policies D4 & D6 of the London Plan 2020 CS15 of the Local Plan and Policy DM29 of the Local Plan.

f. The Provision of Adequate Natural Light in all Habitable Rooms of the New Dwellinghouses;

11.35. London Plan Policy D6 states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. Policy CS2 of the Local Plan states that all new residential units will be required to be of high quality and design. Policy DM32 (Managing Impact of Development on Occupiers). The policy aims to ensure that daylight/sunlight, outlook and privacy are maintained for existing occupants and their neighbours in their homes and gardens as well as for the intended occupants of new habitable rooms.

11.36. The proposed development, owing to the internal layout, position and size of the fenestration, together with the orientation of the building and relative lack of obstruction from surrounding buildings, would be similar to that found within the existing building on the floor levels below in terms of layout and size and considered acceptable in ensuring an adequate level of natural light enters all habitable rooms of the development proposal.

11.37. The proposal would be in accordance with policy CS2 of the Waltham Forest Local Plan Core Strategy (2012), policy DM32 of the Development Management Policies (2013) and Policy D4 of the London Plan (2021).

g. impact on the amenity of the existing building and neighbouring premises including overlooking, privacy, and the loss of light;

11.38. Policy DM4 and DM32 of the Development Management Policies Local Plan (2013) seeks to manage the impact of new development on neighbouring amenity to ensure that daylight/sunlight, outlook and privacy is maintained for existing occupiers.

11.39. It is noted that as part of the assessment of the previously refused application at the site for 2 x additional floor levels, that the proposal was not considered to *'harmfully overlook the existing flats or cause loss of light, due to the nature of the proposal simply adding built form to the top of the existing building and its principal part. The proposed windows would be similar to those provided on existing lower levels. The proposed five storey residential development would not directly impact on the amenity of the neighbouring properties in terms of overlooking, overbearing and overshadowing. this would also be the same for the neighbouring blocks of flats, as the windows to the proposed flats would look to the front and rear of the building, with only one window to each flank that would serve the bathrooms. The proposed development would look onto the neighbouring riding school, cricket club and public house parking area and to the flank elevation of no. 6 Woodedge Close and as a result given its relationship with neighbouring properties would not directly impact on the amenity of the neighbouring properties in terms of overlooking, overbearing and overshadowing.'*

11.40. Given that the proposal would now only involve one additional floor level, with increased setbacks from the front façade and both side elevations and that the positioning of windows would largely remain as per the previous scheme, the proposal does not give rise to any further concerns in relation to the amenity of neighbouring residential occupiers over and above that previously considered acceptable. The windows to the bathrooms would be obscured glass as stipulated on the submitted plan / elevation drawings. This would be secured by way of condition.

11.41. Due to the above considerations, given the proportions and the relationship between the proposal and the neighbouring properties, it is not considered that this scheme would be detrimental to the amenities of the occupants of any neighbouring property in terms of loss of daylight or sunlight and outlook or privacy and in compliance with Policies D1 of the London Plan 2020, CS2, CS15 of the Waltham Forest Local Plan Core Strategy (CS) 2012 and Policy DM32 of the Council's Development Management Policies (DMP) 2013.

h. whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated

15 March 2012 issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

11.42. There are no protected views that would be harmed as a result of this development.

i. where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building

11.43. The resulting building would be no higher than 18 metres.

j. where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

The proposal would not require this as set out in the fire risk condition as the resulting building would be no higher than 18 metres.

11. INTERNAL SPACE STANDARDS

11.1. With effect from 6 April 2021, the GPDO will not permit any residential conversion where the gross internal floor area is less than 37 square metres in size, or which does not comply with the Technical housing standards – nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

11.2. The Technical Housing Standards – nationally described space standard (2015) sets out the required minimum internal standards for new residential units for each unit depending on the level of occupancy calculated by the number of beds and bedspaces provided within them.

11.3. The standards require that a single bedroom has a floor area of at least 7.5m² and a double (or twin bedroom) has a floor area of at least 11.5m². The table below demonstrates that the units would exceed the minimum overall space requirements as detailed within the London Plan

	Minimum standards required (sqm)	Unit	Accords
		Flat 1 – 2b3p	
Gross Internal Area (sqm)	61	61	Yes
Double bedroom	11.5	12.5	Yes
Single bedroom	7.5	9	Yes
Built in storage	2	3	Yes
		Flat 2 – 2b3p	
Gross Internal Area (sqm)	61	61	Yes

Double Bedroom	11.5	12.5	Yes
Single Bedroom	7.5	9	Yes
Built in storage	2	3	Yes

11.4. All proposed units are considered to satisfy the minimum space standard requirements including the gross internal area, storage space requirements, floor to ceiling heights and bedroom space sizes in accordance with the Technical housing standards – nationally described space standard (March 2015).

12. Other Matters

Class A also sets out various conditions that the applicant/developer is required to comply with, which relate to:

- The development must be completed within a period of 3 years starting with the date prior approval is granted.
- The developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
- The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
- Any new dwellinghouse created under Class A is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Any forthcoming approval will apply the necessary conditions and informatives addressing the matters set out above.

13. CONCLUSION OF ASSESSMENT AGAINST PERMITTED DEVELOPMENT REGULATIONS

13.1. All provisions of Class A of Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are satisfied by the scheme

14. RECOMMENDATION

14.1. Based on the assessment above, the Planning Committee is recommended to grant prior approval, subject to conditions and informative, for the following reasons:

14.2. The position, scale, mass, detail and alignment of the proposed extension to the existing building is considered acceptable in relation to this specific site and the character and appearance of the area. The proposal would not cause

unacceptable harm to the living conditions of neighbouring residents or upon on-street parking conditions.

- 14.3. All provisions of Class A of Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are satisfied by the scheme.

15. CONDITIONS AND REASONS

- 15.1. The development hereby authorised must be completed not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect. The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and that notification must be in writing and include- (i) the name of the developer; (ii) the address or location of the development; and (iii) the date of completion.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

- 15.2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents and thereafter maintained as such for the lifetime of the development: Design Statement Rev A, Daylight and Sunlight Assessment P119602-1000 Issue 2, 211735-001, 211735-004, 211735-005, 211735-006, 211735-007, 211735-008, 211735-009, 211735-010, 211735-104 Rev B, 211735-105 Rev B, 211735-106 Rev B, 211735-108 Rev C, 211735-109 Rev B, 211735-110 Rev B, 211735-111 Rev B, 211735-112 Rev B, 211735-113 Rev C, 211735-114 & 211735-115 Rev C.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 15.3. Prior to the commencement of the development, a schedule of materials and exact product references to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

- a) Facing Brickwork(s) to be used in the parapet wall, showing the colour, texture, pointing and perforated brickwork shall be provided;
- b) window reveals,
- c) Zinc cladding and aluminium panels;
- d) Roof capping;
- e) down pipes, rainwater pipes or foul pipes
- f) Any other materials to be used.

- 15.4. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: To safeguard the visual amenities of the area in accordance with Policy CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012)

and Policies DM4 and DM29 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

- 15.5. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall be used as dwellinghouse within the meaning of Class C3 only and shall not be used for any other purpose including any purpose within Class C3 unless approval is obtained to a variation of this condition through the submission of a planning application.

Reason: To protect the amenities of adjoining occupiers, in order to comply with Policy CS13 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan -Development Management Policies (2013).

- 15.6. No development shall take place on site whatsoever, until a Construction Logistics Plan has been submitted to and approved in writing by the local planning authority. The logistics plan shall include details of site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details throughout all demolition and construction works.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents to ensure that disruption is kept to a minimum and does not affect highway traffic flows to comply with Policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14 DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

- 15.7. Prior to the first occupation of the development, full details of refuse storage facilities, including the level and type of provision, location and impact on visual amenity, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall be provided prior to first occupation of the development hereby approved and shall thereafter be maintained as such for the lifetime of the development.

Reason: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies CS6, CS13 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policies DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

- 15.8. Prior to the first occupation of the development, details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 10 cycle parking spaces for users of the

development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with Policies and in the interest of security and sustainable development, in compliance with Policies CS6, CS13, CS15 and CS16 of the adopted Waltham Forest Local Plan - Core Strategy 2012 and Policies DM13, DM14, DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

16. INFORMATIVES

- 16.1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions and the decision was delivered in a timely manner.
- 16.2. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development may be liable to pay the London Borough of Waltham Forest Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Waltham Forest CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2019. One of the development parties may now need to assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at CIL@walthamforest.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window. Further information and all CIL forms are available on the [Planning Portal](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the [Waltham Forest Council website](https://walthamforest.gov.uk/content/community-infrastructure-levy) at <https://walthamforest.gov.uk/content/community-infrastructure-levy>. Guidance on the Community Infrastructure Levy can be found on the [National Planning Practice Guidance website](http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/) at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>. Note: The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) will be superseded by MCIL2 Charging Schedule; and will take effect from 1 April 2019. The London Borough of Waltham Forest has been moved from Band 3 to band 2, increasing the MCIL2 rate from £20 to £60 per sq. m (excluding indexation).
- 16.3. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.
- 16.4. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays

to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.

- 16.5. This notice is without prejudice to your responsibilities under any other legislation.

Appendix 1

Assessment of the proposed development against the text found in Paragraph A of the Order:

Permitted Development	Officer Response
A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—	Complies - The host property relates to a detached block of flats.
a. engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;	Complies - The works would be carried out in accordance with the operations permitted under A1(j) of this class.
b. works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;	Complies - The proposal does not include a plant room.
c. works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;	Complies - The existing stairwell will be extended to the extended part of the building.
d. works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.	Complies - The plans show the construction of a new cycle and bin store to support the new dwellings.

Assessment of the proposed development against the text found in Paragraph A.1 of the Order:

Permitted Development	Officer Response
A.1 Development is not permitted by Class A if -	
a. the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule;	Complies - The existing building was not granted under Class M, N, O, P, PA or Q of Part 3 of this Schedule (change of use).

b. above ground level, the building is less than 3 storeys in height;	Complies - The total development stands at three storeys in height.
c. the building was constructed before 1st July 1948, or after 5th March 2018;	Complies - The building was granted planning permission in 1964 and thereafter constructed.
d. the additional storeys are constructed other than on the principal part of the building;	Complies - The additional storey will only be constructed on the principal part of the building (i.e. the main building excluding any front, side or rear extension of a lower height, whether this forms part of the original building or a subsequent addition).
e. the floor to ceiling height of any additional storey, measured internally, would exceed the lower of — i. 3 metres; or ii. the floor to ceiling height, measured internally, of any of the principal part of the existing building, whichever is the lesser, where such heights are measured internally	Complies - The floor to ceiling height of the additional storeys would not exceed the measurements set out in (i) and (ii). This would overcome the 1st reason for refusal as part of application reference 211735.
f. the new dwellinghouses are not flats	Complies - The proposed dwellings are to be used as flats.
g. the height of the highest part of the roof of the extended building would exceed the height of the highest part of the existing building by more than 7 metres (not including plant in each case);	Complies - The height of the highest part of the roof of the extended building would not exceed the height of the highest part of the existing building by more than 7 metres.
h. the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres	Complies - The height of the highest part of the roof of the extended building would not be greater than 30 metres.
i. development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;	Complies - No visible support structures are shown on the proposed elevations.
j. development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to— (i) strengthen existing	Complies - The proposal would not involve any engineering operations other than those relating to the aforementioned.

walls; (ii) strengthen existing foundations; or (iii) install or replace water, drainage, electricity, gas or other services;	
k. in the case of Class A.(b) development there is no existing plant on the building;	Complies - There is no existing plant on the building.
l. in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;	Complies - There is no existing plant on the building.
m. development under Class A.(c) would extend beyond the curtilage of the existing building;	Complies - Development under Class A(c) would not extend beyond the curtilage of the existing building.
n. development under Class A.(d) would— (i) extend beyond the curtilage of the existing building; (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;	Complies - Development under Class A.(d) would not (i) extend beyond the curtilage of the existing building nor would it be (ii) situated on land forward of a wall forming the principal elevation of the existing building or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building.
o. the land or site on which the building is located, is or forms part of— (i) article 2(3) land; (ii) a site of special scientific interest; (iii) a listed building or land within its curtilage; (iv) a scheduled monument or land within its curtilage; (v) a safety hazard area; (vi) a military explosives storage area; or (vii) land within 3 kilometres of the perimeter of an aerodrome.	Complies - The site does not form part of any of the land as described in para (o).