

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 10 th January 2023
Application reference:	221606
Applicant:	Mrs K Ndomahina
Location:	42 Stow Crescent, Walthamstow, London, E17 5EG
Proposed development:	Alterations to ground floor front elevation including replacement of garage door with window to facilitate conversion of garage to habitable space, installation of new boundary fencing and alterations to existing boundary wall (amended plans).
Wards affected:	Higham Hill
Appendices:	None

1 RECOMMENDATION

- 1.1 That planning permission is GRANTED subject to conditions.

2 REASONS REFERRED TO COMMITTEE

- 2.1 The application is made by a member of staff.

3 SITE AND SURROUNDINGS

- 3.1 The application site comprises a three-storey end of terrace dwelling house situated on the north-western side of Stow Crescent on a rectangular plot. The property benefits an existing integrated ground floor garage.
- 3.2 The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction other than the Borough-wide change of use from Class C3 to C4.
- 3.3 The surrounding area is characterised by three storey terrace properties of similar size and height which are predominantly residential.

4 APPLICATION PROPOSAL

- 4.1 The application is sought for the following:
- Conversion of the ground floor garage into a habitable room, associated with external alterations replacing the existing garage door with a new window.
- 4.2 - Replacement of existing boundary fencing with new fencing to rear garden area. The existing boundary wall consists of a brick wall topped with metal posts and mesh. The posts and mesh would be removed and the brick wall would raise to an average height of 2.5m on the western

boundary, 2.3m on the shared boundary with No.43 Stow Crescent. The existing fence on the shared boundary with No.41 Stow Crescent would be replaced by timber boarded fence, measuring an average height of 2m. The fence would be stepped down to follow the slope in the terrain.

5 RELEVANT SITE HISTORY

A. Planning

5.1 None

B. Pre-Application

5.2 None

C. Enforcement

(i) Enforcement Investigations

5.3 None

(ii) Enforcement Notice

5.4 None

D. Adjacent Site

5.5 41 & 43 Stow Crescent, Walthamstow, London, E17 5EG

No relevant planning history

6 PUBLIC CONSULTATIONS

6.1 Public Consultation

The Council circulated 18 **consultation letters** to local residents on the 26th July 2022, as follows:

- 56 Stow Crescent, Walthamstow, London, E17 5EG
- 53 Stow Crescent, Walthamstow, London, E17 5EG
- 20 Ascham End, Walthamstow, London, E17 5EB
- 64 Stow Crescent, Walthamstow, London, E17 5EG
- 63 Stow Crescent, Walthamstow, London, E17 5EG
- 58 Stow Crescent, Walthamstow, London, E17 5EG
- 19 Ascham End, Walthamstow, London, E17 5EB
- 61 Stow Crescent, Walthamstow, London, E17 5EG
- 22 Ascham End, Walthamstow, London, E17 5EB
- 43 Stow Crescent, Walthamstow, London, E17 5EG
- 62 Stow Crescent, Walthamstow, London, E17 5EG
- 60 Stow Crescent, Walthamstow, London, E17 5EG
- 55 Stow Crescent, Walthamstow, London, E17 5EG
- 41 Stow Crescent, Walthamstow, London, E17 5EG
- 59 Stow Crescent, Walthamstow, London, E17 5EG

- 57 Stow Crescent, Walthamstow, London, E17 5EG
- 54 Stow Crescent, Walthamstow, London, E17 5EG

Due to amendment of the boundary fencing design, a second round of consultation was held from 08th November 2022 to 22nd November 2022.

As a result of the public consultation the Council did not receive any objections.

6.2 Statutory Consultation

None.

7 DEVELOPMENT PLAN

National Planning Policy Framework (2021)

- 7.1 The National Planning Policy Framework was revised on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 7.2 This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.
- 7.3 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".
- 7.4 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'
- 7.5 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Promoting healthy and safe communities
 - Achieve well-designed places
 - Making effective use of land

The London Plan (2021)

- 7.6 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:

- D1 London's form, character and capacity for growth
- D4 Delivering good design
- Policy D11 Safety, security and resilience to emergency
- T6 Car Parking

Waltham Forest Local Plan Core Strategy (2012)

- 7.7 The Waltham Forest Core Strategy (2012) was adopted on 1st March 2012.
- 7.8 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.
- 7.9 The policies considered relevant to this application are as follows:
- CS2: Improving Housing Quality and Choice
 - CS13: Promoting Health and Well Being
 - Policy CS13: Promoting Health and Well Being
 - Policy CS15: Well Designed Buildings, Places and Spaces
 - Policy CS16: Making Waltham Forest Safer

Waltham Forest Local Plan Development Management Policies (2013)

- 7.10 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:
- DM4 - Residential Extensions and Alterations
 - DM16 - Parking
 - DM23 - Health and Well Being
 - DM29 - Design Principles, Standards and Local Distinctiveness
 - 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)

- 7.11 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.

- 7.12 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.
- 7.13 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 56 Delivering High Quality Design
 - Policy 59 Amenity

8 MATERIAL PLANNING CONSIDERATIONS

Other policies

- Supplementary Planning Document Urban Design (2010)
- Supplementary Planning Document Residential Extensions and Alterations (2010)

Local Finance Considerations

- 8.1 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).
- i) There are no grants which have been or will or could be received from central government in relation to this development.
- ii) The Council has not received and does not expect to receive any income from LBWF CIL in relation to this development.
- iii) The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.

9 ASSESSMENT

- 9.1 The main issues for consideration, in relation to the proposed development are as follows:
- A. Character and appearance
 - B. Impact upon the Amenity of Adjoining Occupiers
 - C. Parking

A. Character and Appearance

- 9.2 Policy DM4 and DM29 seeks to ensure developments enhance local character in relation to the architectural integrity of the existing building and the surrounding area.

- 9.3 The proposal seeks permission for the conversion of a garage at ground floor level into a habitable room associated with external alterations such as the replacement of the garage door with a window to match the one at higher level and brickwork to complement the surrounding. The external alterations would be in keeping with the frontage of the building and are therefore considered acceptable.
- 9.4 The existing layout and structure of the garage would remain the same and majority of the works would be internal other than the replacement of the garage door with a new window. Officers note other garage conversions with new front facing windows have been design and completed in close proximity to the application site including Nos. 38, 39, 61 and 64. In this instance, the proposal would be in keeping with the character of the original dwelling and the established form of built development in the wider area.
- 9.5 The proposal also proposes installation of new boundary fencing and alterations to existing boundary wall. The existing boundary fencing consists of brick wall topped with metal posts and mesh, measuring an average height of 2.7m on the western boundary and 2.5m on the shared boundary with No.43 Stow Crescent.
- 9.6 The posts and mesh would be removed and the brick wall would raise to an average height of 2.5m on the western boundary and 2.3m on the shared boundary with No.43 Stow Crescent. Whilst the proposed brick wall on the western boundary would be visible from the streetscene and would measure approximately 90cm taller than the existing brick wall, the total height of the boundary treatment would be 20cm shorter than the existing. As such it is not considered to cause significant harm to local character nor overbearing visual impact.
- 9.7 Adjacent to the existing fence on the common boundary shared with No. 41 Stow Crescent, new timber boarded fence would be installed, stepping down in line with the ground levels, whilst being slightly set in and parallel with the common boundary. The proposed fence would be set in and set 20cm to 40cm higher than the existing, thus measuring a total height of 2m. Due to its minor alteration in terms of appearance which would not be highly visible from the streetscene or neighbouring properties, it is not considered to be out of character within the immediate locality.
- 9.8 The proposal would unify the appearance of the boundary treatment across the site. The material of the proposed boundary wall would match with the existing and thus would not appear overbearing when viewed from vantage points along the Stow Crescent nor properties which front the application site.
- 9.9 In light of the above, the proposal satisfies the objectives of Policy CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM4 and DM29 of the Waltham Forest Local Plan Development Management Policies (2013) and Supplementary Planning Documents for Residential extensions and Alterations (2010) and Urban Design (2010).

B. Impact upon the residential amenity of adjoining occupiers

- 9.10 Policies CS13, CS15, DM4 and DM32 of the Waltham Forest Local - Plan Development Management Policies (2013) seek to manage the impact of new development on neighbouring amenity to ensure that daylight/sunlight, outlook and privacy is maintained for existing occupiers, and to ensure satisfactory amenity is provided for future and surrounding occupiers along with addressing issues of height and scale sensitively.
- 9.11 In terms of amenity of neighbouring residents, as a result of the conversion of the garage, the proposal would retain the same structure as the existing garage as the only alteration would be internal works and replacement of the front garage door with a window. Therefore it is considered the proposed alterations would not adversely impact on the adjoining property in regard to outlook, sense of enclosure and sunlight/daylight impact. The proposal would not introduce any side facing windows therefore there would be no impact in terms of privacy.
- 9.12 In regard to the boundary treatment, the proposed timber fence on the shared boundary with No.41 Stow Crescent would stand approximately 20cm to 40cm higher than the existing fence. Given the limited increase of height and the matching material, the proposed fence would not result in unacceptable residential amenity to warrant refusal in this instance.
- 9.13 Further, given the minor alterations on the boundary, reduce in height (20cm) and the lack of habitable windows nearby close to No. 43 Stow Crescent, it is unlikely that the proposed boundary alteration would cause significant harm to existing occupiers in terms of loss of daylight, sunlight or outlook.
- 9.14 In light of the above, it is considered that the proposed development would not harm the amenity of neighbouring occupiers in terms of loss of daylight or sunlight and outlook or privacy.
- 9.15 As such, the scheme is considered to be consistent with Policies DM4, DM32 and the SPD Residential Extensions and Alterations.

C. Parking

- 9.16 Policy DM16 states that the Council will seek to effectively manage parking and to ensure the provision of safe and attractive parking facilities.
- 9.17 Whilst the proposed conversion of the garage would reduce one off-street parking space, the application site would continue to provide off street car parking by virtue of the existing parking area to the front of the property. The existing driveway next to the application site also provides off street parking space for the occupiers.
- 9.18 As such, the loss of off-street parking space would not create overbearing parking stress to the surrounding area and thus the scheme

is considered to be consistent with Policy DM16 and the SPD Residential Extensions and Alterations.

10 CONCLUSION

- 10.1 Following the above assessment, it is considered that the design of the development would not result in a harmful impact on the character and appearance of the host property or the wider area. In addition, the development would not result in a detrimental impact upon neighbouring amenity. It is therefore considered that the amenity of the neighbouring properties would not be unduly harmed.
- 10.2 The application has been considered against the relevant development plan policies and other material considerations including CS12 and CS15 of Waltham Forest Local Plan - Core Strategy (2012), DM4, DM29 and DM32 of Waltham Forest Local Plan - Development Management Policies (2013) and Supplementary Planning Document - Residential Extensions and Alterations (2010).
- 10.3 It is recommended that planning permission be granted subject to conditions and informative.

11 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 11.1 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
 - A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is

only one factor that needs to be considered, and may be balance against other relevant factors.

- 11.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 11.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.
- 11.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

12 RECOMMENDATION

- 12.1 It is recommended that the Planning Committee resolve to grant permission subject to the following conditions:

Conditions

1. The development hereby permitted shall begin not later than the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supplementary documents and thereafter maintained as such for the lifetime of the development -

- P01 Block Plan, dated 19.05.22
- P02-EXIS-layout Existing Layout Plan, dated 19.05.22
- P03-EXIST-GF Existing Ground Floor Plan, dated 19.05.22
- P04-EXIST 1F 2F Existing First Floor Plan, existing second floor plan, dated 19.05.22
- P05-Exist-Front-Fac Existing Front Façade, dated 19.05.22
- P06-Exist-Rear-Fac Existing Rear Façade, dated 19.05.22
- P07-Exist-Gable Existing Gable Façade, dated 19.05.22
- P08-Exist-Rear Fence Existing Fence to Rear, Rev A, dated 27.10.22
- P09-Exist-Fence Side Existing Garden Fence to side, dated 19.05.22

- P10-Exist-Sec Existing Section, dated 19.05.22
- P11-Prop layout Proposed layout plan Rev C, dated 02.11.2022
- P12-PROP-GF Proposed ground floor plan Rev C, dated 02.11.2022
- P13-Prop-Front-Fac Proposed Front façade Rev D, dated 20.12.22
- P14-Prop-Rear-Fac Proposed Rear façade Rev C, dated 02.11.2022
- P15-Prop-Gable Proposed Gable Façade Rev C, dated 02.11.2022
- P16-Prop Fence Rear Proposed Fence to Rear Rev C, dated 02.11.2022
- P17-Prop Fence to Side Proposed Fence to Side Rev C, dated 02.11.2022
- P18-Prop-Sec Proposed Section, dated 19.05.22
- Design and Access Statement Revision C, dated 02.11.2022

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

3. The materials to be used for the external surfaces of the development hereby permitted shall match those specified on the drawings and shall thereafter be retained as such for the lifetime of the development.

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).

Informatives:

1. To assist applicants the Local Planning Authority has produced policies and provided written guidance, all of which is available on the Council's website and which have been followed in this instance.
2. This determination does not constitute permission to build under the building regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
3. This notice is without prejudice to your responsibilities under any other legislation.