

## LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	4 <sup>th</sup> July 2023
Application reference:	230258
Applicant:	Mr Afzal Akram
Location:	65 Lawrence Avenue, Walthamstow, London, E17 5PG
Proposed development:	Conversion of a 5-bedroom single dwelling house into 2 single-family dwelling houses (1 x 2-bedroom and 1 x 3-bedroom) including demolition of existing single storey rear extension and erection of replacement single storey rear extension, installation of entrance door at ground floor side elevation, with associated soft landscaping, refuse/recycle bins
Wards affected:	Higham Hill

### 1 RECOMMENDATION

- 1.1 It is recommended that the application be refused.

### 2 REASONS REFERRED TO COMMITTEE

- 2.1 The application has been referred to Planning Committee because the applicant is a ward Councillor for the Valley ward. In the interests of transparency, the Head of Development Management and Building Control in consultation with the Chair of the Planning Committee consider this application should be referred to the Planning Committee for consideration.

### 3 SITE AND SURROUNDINGS

- 3.1 The proposal site contains a two-storey end-of-terrace dwellinghouse located on the northern side of Lawrence Avenue within the Higham Hill ward, E17. The surrounding uses are residential, with the predominant character on Lawrence Avenue defined by small rows of dual-pitch terraced dwellings of simple designs with hip-end roofs on the dwellings at the terminating ends of the terraces. Most properties benefit from shallow front gardens with low boundary walls and largely hard surfaced frontages, with generous sized rear gardens.
- 3.2 The property itself has been subject to previous extensions in the form of a two-storey side extension, a rear dormer, and a single storey rear extension. These extensions were granted planning permission in 2003.
- 3.3 The site is not located within a conservation area and does not contain a listed building. The site is not subject to any Article 4 Directions other than the Borough-wide restriction on conversion of single-family dwellings (Use Class

C3) to small HMOs (Use Class C4). The site is not located in a flood risk zone or an area at risk of surface water flooding.

#### 4 APPLICATION PROPOSAL

- 4.1 Planning permission is sought for the conversion of the existing 5-bedroom single-family dwelling house into 2 single dwelling houses (1 x 2-bedroom and 1 x 3-bedroom), including installation of a new entrance door on the side elevation, with associated soft landscaping, refuse/recycling bins stores. In addition to this, planning permission is also sought for demolition of the existing single storey ground floor rear extension and erection of a replacement single storey rear extension.
- 4.2 The proposal would involve annexing the site into 2 separate land parcels, with the western half allocated to the 2-bedroom 3-person unit, and the eastern section allocated to the 3-bedroom 4-person unit.
- 4.3 The property benefits from an existing single storey rear extension with a depth of 3 metres and a width of 7.8 metres, with a height of 3.1 metres with a flat roof. The proposal includes the replacement of the existing extension with a single storey rear extension that would have a reduced width of 6 metres but an increased depth of 5 metres. The extension would have a flat roof height of 2.76 metres. No details are provided with regards to the proposed external materials proposed for the rear extension. The rear extension would form a part of the floor space for the 3-bedroom unit.

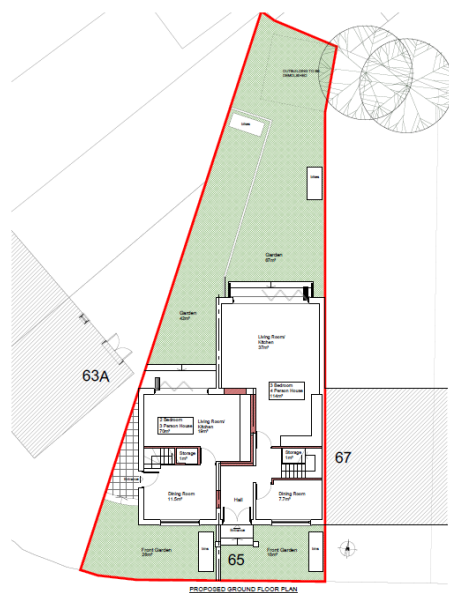


Fig1. Proposed Site Plan

- 4.4 Whilst lacking in detail, the plan indicates that bin storage would be located in the front garden area, with what appears to be soft landscaping in the front garden.

## **5 RELEVANT SITE HISTORY**

### **A. Planning**

- 5.1 Planning Application 2003/0175 for the construction of a two-storey flank extension and single storey rear extension, which was approved on the 16/05/2003 and has been constructed.
- 5.2 Planning Application 2003/1247 relating to the installation of a rear dormer window approved with condition 28/10/2003 and has been constructed.
- 5.3 Prior Approval Application 210746 relating to the construction of a single storey rear extension which would extend 5.00m beyond the rear wall of the existing dwelling, a maximum height of 2.80m and an eaves height of 2.80m. Prior approval was not required 12/04/2021 and could therefore be constructed under the provisions of larger homes provisions within the General Permitted Development Order.
- 5.4 Whilst the submitted plans indicate that this extension had been constructed, however, it was confirmed during the site visit that this development has not been implemented.

### **B. Pre-Application**

- 5.5 There is no pre-application planning history.

### **C. Enforcement**

- 5.6 There is no planning enforcement investigation history for the site.

### **D. Adjacent Site**

#### 63 Lawrence Avenue, E17

- 5.7 Planning Application 153848 for the demolition of existing building and construction of 1 x 2-storey, 3 - bedroom dwelling house, approved 20/01/2017, and the permission was implemented.

## **6 PUBLIC CONSULTATION**

- 6.1 The application was advertised via site notices dated 17/02/2023.
- 6.2 The Council circulated 34 consultation letters to local residents on the 14/02/2023. A further 14 day consultation was undertaken on the 19/06/2023 to notify neighbours of change of development proposal description. The following properties have been consulted at both stages of public consultation:
  - 1-9 (odd) Cooper Avenue, E17
  - 26-44 (even) Lawrence Avenue, E17
  - 53 – 75 (odd) Lawrence Avenue, E17

- 6.3 At the time of publication of this committee report, no letters of representation were received from neighbouring occupants. However, the additional period of consultation had not yet expired and therefore should any representations be subsequently received during the extended consultation period, an update report will be provided for consideration prior to the planning committee.

## 7 OTHER CONSULTATIONS

<b>Consultees</b>	<b>Relevant Planning Material Considerations Raised</b>
<i>Highways</i>	<p>Proposal would need to include:</p> <ul style="list-style-type: none"> <li>- 3 types of bin storage for each unit</li> <li>- Cycle storage must be safe and secure.</li> </ul> <p>Any forthcoming approval to include following with s106 legal agreement:</p> <ul style="list-style-type: none"> <li>- The additional residential property must be classified as car-free.</li> <li>- Contribution of £1,000 is requested towards sustainable modes of transport in the borough.</li> <li>- A condition survey of the carriageway and footways fronting the site should be carried out prior to commencement of works, with any damage occurring from construction works to be paid by the developer</li> <li>- S.278 agreement will be required for <ul style="list-style-type: none"> <li>(i) remove redundant crossover and reinstatement of footway,</li> <li>(ii) temporary traffic management order to extend parking bay frontage and remove single yellow line.</li> </ul> </li> </ul>
<i>Urban Design and Conservation</i>	<ul style="list-style-type: none"> <li>- Unbalancing impact from sub-division and harm of character.</li> <li>- Lack of details identified in terms of boundary and landscaping details.</li> <li>- Question on location of bike storage to the rear.</li> </ul>
<i>Waste Management</i>	No response received.

## 7 DEVELOPMENT PLAN

- 7.1 Section 70(2) of the Town and Country Planning Act (1990) (as amended) sets out that in considering and determining applications for planning permission, the Local Planning Authority (LPA) must have regard to considerations including the provisions of the development plan and any local finance

considerations, so far as material to the application, and any other material considerations.

- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 7.3 The Development Plan for the site, at the time of this report, comprises the London Plan (2021), and the Waltham Forest Local Plan Core Strategy (2012), and the Waltham Forest Local Plan Development Management Policies (2013). Other planning policies are material considerations.

#### The London Plan (2021)

- 7.4 On 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 relevant to this application are considered to include but not limited to:

- GG2 Making the best use of land
- GG4 Delivering the 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
- H1 Increasing housing supply
- G6 Biodiversity and access to nature
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the Plan and Planning Obligations

#### Waltham Forest Local Plan Core Strategy (2012)

- 7.5 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.
- 7.6 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
- CS13: Promoting Health and Well Being
- CS15: Well Designed Buildings, Places and Spaces

#### Waltham Forest Local Plan Development Management Policies (2013)

7.7 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:

- DM2- Meeting Housing Targets
- DM4 – Residential Extensions and Alterations
- DM6 – Dwelling Conversions, House in Multiple Occupation and Buildings in Multiple Residential Occupation
- DM7 - External Amenity and Internal Space Standards
- DM13 - Co-ordinating Land use and Transport
- DM14 - Sustainable Transport Network
- DM16 - Parking
- DM23 – Health and Well-Being
- DM29 - Design Principles, Standards and Local Distinctiveness
- DM32 - Managing Impact of Development on Occupiers and Neighbours
- DM35 - Biodiversity and Geodiversity

## **8 MATERIAL PLANNING CONSIDERATIONS**

#### National Planning Policy Framework (2021)

- 8.1 The National Planning Policy Framework 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.
- 8.2 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".
- 8.3 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'

8.4 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 sustainable transport
  - Making effective use of land
  - Achieve well-designed places
  - Conserving and enhancing the natural environment
- National Planning Policy Framework proposed amendments (2023)

The Government is consulting on various proposed changes to the NPPF to enable it to deliver its commitments to building enough homes in the right places with the right infrastructure, ensuring the environment is protected and giving local people a greater say on where and where not to place new, beautiful development. The proposed changes are focussed on plan making rather than decision making.

### **Emerging Policy**

#### Shaping the Borough – London Borough of Waltham Forest Draft Local Plan Part One (Submission Draft October 2020)

- 8.5 Waltham Forest Local Plan (LP1) is intended to eventually replace the current Waltham Forest Local Plan Core Strategy and Development Management Policies. It is undergoing examination. Whilst indicating the intended direction of future policy, its draft policies can only be given limited weight in decision making.
- 8.6 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.
- 8.7 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 floor space over the next plan period. The draft policies relating to housing type and mix are reflective of the London Plan (2021).
- 1 Presumption in Favour of Sustainable Development
  - 4 Location of Growth
  - 10 Central Waltham Forest
  - 12 Increasing Housing Supply
  - 19 Small Sites
  - 58 Residential Space Standards
  - 56 Delivering High Quality Design
  - 59 Amenity

- 62 Promoting Sustainable Transport
- 63 Active Travel
- 68 Managing Vehicle Traffic
- 81 Biodiversity and Geodiversity
- 95 Waste Management
- 96 Infrastructure and Developer Contributions

### **Other Relevant Policies and Guidance**

- The London Plan, Supplementary Planning Guidance – Housing (2016)
- Department for Communities and Local Government Technical housing standard – nationally described space standard.
- Supplementary Planning Document – Residential Extensions and Alterations (2010)
- Supplementary Planning Document Urban Design (2010)
- Supplementary Planning Document Revised Planning Obligations (2017)
- Waste & Recycling Guidance for Developers (LBWF, 2019)
- Inclusive Housing Design SPD 2011
- Living with beauty, promoting health, well-being and sustainable Growth, the report of the Building Better, Building Beautiful Commission (Jan 2020)
- National Design Guide: practice guidance for beautiful, enduring and successful places (Jan 2021)

### **Local Finance Considerations**

8.8 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 would expects to receive income from LBWF CIL in relation to this development.
- iii. The Council expects to receive income for the 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. Proposal description and submitted plans
- B. Character and Appearance
- C. Quality Residential Accommodation and Subdivision Existing Dwelling
- D. Impact on Neighbouring Amenity
- E. Highway and Transport Impact
- F. Refuse Management
- G. Trees and Local Biodiversity
- H. Epping Forest Special Area of Conservation
- I. Planning Obligations

#### **A. Proposal Description and Submitted Plans**

- 9.2 The initial description and originally submitted plans indicated that the extension permitted under the prior approval planning reference 210746 had been constructed. As part of planning application 210746, prior approval was deemed not to be required, on the basis that no objections had been received by the neighbours and therefore the Council was not required as part of the prior approval application to assess the amenity impact the extension would have neighbouring occupants. However, during the site visit (09 March 2023) it was confirmed that rear extension had not been constructed and therefore, the works relating to the construction of the rear extension do form a part of this current application and would need to be assessed in accordance with the Local Plan policies.
- 9.3 As such, it was necessary to amend the development description and require a revised set of existing floorplans and elevations to be submitted to accurately reflect the existing circumstances on site.
- 9.4 A revised full set of drawings were received on 15/06/2023 that indicated the existing single storey rear extension as is currently present on site. However, not all the plans accurately scaled with the annotated scale on the drawings. As such, it was not possible to accept these drawings as revised documents on which to publicly consult. The applicant was notified of this issue and the need to submit further revisions prior to consultation, which were not subsequently received.
- 9.5 Whilst accurate revised drawings to address this issue are not available, given that it is clearly apparent that the extension as shown on the proposed drawings was not an existing feature, the development description (as agreed with the planning agent) was amended and required public re-consultation had been carried. The proposed development is considered as shown in original submitted plans, and the report will consider the merits of the scheme below.

#### **B. Local Character and Appearance**

Policy CS15 seeks to ensure the highest quality architecture and design that responds positively to the local context and promote distinctiveness and sense of place. Policy DM4 states that proposals to extend or alter a dwelling will be expected to relate to the host building and respect the street scene/character of the area.

- 9.6 Policy DM29 requires high quality design that enhances local character and distinctiveness.
- 9.7 Part 5.1.1 of the Residential Extensions and Alterations SPD sets out that it is essential any extensions or alterations to existing residential properties maintain or improve the character of both individual dwellings and the wider townscape.

**(i) Subdivision of site**

- 9.8 Subdividing the existing dwelling and the residential plot, to create a separate residential plot and dwelling which is within a confined and narrow space lends itself into a form of development that would be out of keeping and character of the established form of development within the locality.
- 9.9 There is an established pattern of development within this locality, with generally uniform design of terrace properties, with individual dwellings having generally consistent plot size, frontage widths with front gardens of narrow depth, and regular sized long gardens.
- 9.10 The street scene of Lawrence Avenue is largely defined by properties that are mostly consistent in width with dwellings incorporating a single front door entrance on one side of each dwelling along the frontage. The application building, being an end of terrace has been extended by way of a side extension and the entrance door being amended to a double door with a portico canopy addition. It is noted that neighbouring residential dwelling, N063a, was a recent addition to the street and sought to follow the regular width and front elevation treatment as per the street scene setting it forms a part of, with a generous front garden width given its corner positioning.
- 9.11 The current proposal seeks to subdivide the application site into two separate independent residential plots, results in an unconventional plot size for the proposed two-bedroom dwelling. The two-bedroom dwelling would comprise of a significantly narrower frontage elevation, with the entrance proposed on the flank elevation incorporating a console bracket canopy projection above. The proposal also includes separating the front garden area into two sections as shown on the proposed ground floor plan, although no details of this layout alteration are provided on elevations. The annexing of the rear garden would also not be of conventional size, typically characteristic of this location. Whilst the garden would be of adequate length, it would have a very narrow width.
- 9.12 Given the creation of a two-bedroom dwelling with a narrow front elevation width and an entrance door on the flank elevation, as well as subdividing the existing front garden area, this proposed change would represent an uncharacteristic alteration that would fail to respect the character and appearance of the host building or the wider street scene. It is also noted that the subdivision of the existing front garden in conjunction with the need to provide separate waste/recycling storage facilities would result in an uncharacteristic and cluttered appearance that would also be detrimental to the visual amenities of the locality.

**(ii) Proposed single storey rear extension**

- 9.13 The proposed extension would have a depth of 5 metres, a width of 6 metres and a flat roof height of 2.76 metres. Whilst the depth of the proposed extension

would be significant, it is acknowledged that the extension would be markedly shorter in width than the existing 7.8 metre feature. On balance, in terms of scale and massing, the removal of the existing extension and its replacement with the proposed extension would respect the existing form and scale of the host building and wider locality. Details of materials could be secured through a planning condition requiring such details to be provided prior to the commencement of works, if the proposal was to be recommended for approval.

- 9.14 There are no concerns raised with regards to the impact of the proposed single storey rear extension on the character of the host property and its surrounding. However, the proposed subdivision of the site into two separate individual residential plots raises concerns as it would unduly impact negatively on the established pattern of development within the locality and the character of the relevant street setting, whereby the development would be contrary to Local Plan policies CS15 and DM29.

### **C. Quality Residential Accommodation and Subdivision Existing Dwelling**

#### **(i) Quality of Residential Accommodation**

- *Internal Space*

- 9.15 Policy CS2 of the Local Plan states that all new residential units will be required to be of high quality and design.
- 9.16 Policy D6 of the London Plan (2021) specifies minimum internal floor area requirements for residential development that must be met unless the Local Planning Authority (LPA) has adopted higher minimum standards. The standard requires at least 7.5sq.m. for a single bedroom and 11.5sq.m. for a double bedroom. However, Waltham Forest has a minimum requirement of 12sq.m for a double bedroom and 8 sq.m for a single bedroom in Policy DM7.
- 9.17 To ensure that good quality homes are built, to create a suitable and sustainable living environment for present and future generations and to mitigate against the adverse effects of overcrowding Policy DM7 of the Local Plan and the London Plan have minimum standards for floorspace, rooms sizes, amenity space provision and storage that are outlined in the table and following section below:

#### *Unit 1: Three Bedroom Dwelling*

Dwelling Type	London Plan Required Space standards/DM 7 Standards GIA (sq. metres/m2) (per dwelling)	Unit 1
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<b>3 bedroom, 2-storey, 4 -person dwelling houses</b>	90 m2 with 2.5m2 storage	113.4m2 with 3m2 storage
<b>Bedroom</b>	Double bedroom 12m2 Bedroom width: 2.75m Single bedroom: 8m2 Bedroom width: 2.15m	Bed 1 (s): 7.35m2 / 2.15m width Bed 2 (s): 10.4m2 / 2.8m width Bed 3 (d): 15m2 / 2.8m width
<b>Living Room/Kitchen</b>	27m2	44.7m2
<b>Private Amenity space</b>	60m2	67m2

## Unit 2: Two Bedroom Dwelling

<b>Dwelling Type</b>	<b>London Plan Required Space standards/DM 7 Standards GIA (sq. metres/m2) (per dwelling)</b>	<b>Unit 2</b>
<b>2 bedroom, 2-storey, 3 -person dwelling houses</b>	70 m2 with 2m2 storage	67.8m2 with 2.5m2 storage
<b>Bedroom</b>	Double bedroom: 12m2 Bedroom width: 2.75m  Single bedroom: 8m2 Bedroom width: 2.15m	Bed 1 (d): 11.13m2 / 2.79m width Bed 2 (s): 9.6 / 2.84m width
<b>Living Room/Kitchen</b>	25m2	35m2
<b>Private Amenity space</b>	50m2	42m2

9.18 Most habitable rooms in both units would benefit from satisfactory light and outlook except for the kitchen/living space of the 2-bedroom unit. This room would have a narrow, limited, and enclosed outlook as a result of the inward splay of the plot boundary and the proposed 5 metre depth single storey rear extension. There would be particular impact of sense of enclosure for future occupiers within the main living area of the new dwelling.

- 9.19 Both units would have kitchen/dining sizes that exceed the minimum standards within policy DM7. However, the table above indicates that the proposal would fail to comply with some of the minimum floor space and amenity space standards.
- 9.20 As measured on plan by the case officer using the provided annotated scale, The 2-bedroom 3-person unit would have an internal floorspace 67.8sqm which would be below the minimum 70sqm required in the London Plan. Bedroom 1 of the 3-bedroom unit would be below the 8sqm required for a single bedroom to meet minimum policy DM7 standards. In addition to this, the double bedroom (bed 1) of the 2-bedroom unit would have a floorspace of 11.13sqm. which is less than the 12sqm required to meet minimum policy DM7 standards.
- 9.21 The Technical Housing Standards (THS) states that the minimum floor to ceiling height should be 2.3m for at least 75% of the Gross Internal Area. The London Plan requires 2.5m for 75% of GIA. As this is a conversion scheme, it is considered appropriate to only require compliance with the THS standards with regards to this requirement. Over 75% of the floor space would exceed 2.3 metres floor-to-ceiling height for both units and therefore would comply with this requirement. Both units have areas identified for storage space that exceed the minimum requirements within policy DM7 of 2sqm for a 2-bed unit and 2.5sqm for a 3-bedroom unit.
- 9.22 Whilst the proposal seeks to meet required minimum space standards, the layout and how the units are configured within the confines of limited space available means that they do not provide a quality living environment for future occupiers. The conversion would replace a well-spaced 5-bedroom larger family with 2 smaller units, a 3-bedroom and a 2-bedroom dwellinghouse that are substandard and result in over intensification of the application site. This is evident from layout of both units and way in which the property is being subdivided.
- 9.23 To be able to provide three bedrooms, an awkward split is being created internally that requires the erection of a single storey rear extension to create a useable combined kitchen diner area for the 3-bedroom unit. The stairs are proposed to be relocated for this unit, whereby the original front room is significantly reduced in its dimensions, with 2 single bedrooms on the first floor and double in the loft.
- 9.24 The 2-bedroom unit would have an awkward and poor ground floor layout, requiring a flank elevation front door entrance that leads directly into dining room and conflicts with the internal stairs leading to the first floor. There is no circulation corridor or landing space to provide relief and the rear combined kitchen and lounge would be an overshadowed space, with a sense of enclosure resulting from the dominating and extensive depth of the single storey extension that would be attached to the proposed three-bedroom dwelling.

- *External Space*

- 9.25 Policy D6 of the London Plan sets out minimum requirements for private external amenity space of 5sqm for a 1-2 person dwelling, and an additional 1sqm for each individual occupant, unless there are no higher local standards in the borough development plan documents. Waltham Forest have higher local

standards as set out in Local Plan policy DM7. The policy sets out that for houses, a minimum of 50sqm private amenity space would be required for one or two bedroom houses, and 60sqm would be required for a 3-bedroom dwelling.

9.26 Whilst the 3-bedroom unit would exceed the minimum requirement of 60sqm private amenity space, the 2-bedroom unit would only benefit from a rear garden amenity space of 42sqm, below the 50sqm required. In addition to this, there are concerns with regards to useability of this space, given its narrow width of 2.6 metres, and also the issue of the enclosed part of the rear garden adjacent to the main dwelling would be overshadowed from the proposed 5 metres deep proposed rear extension.

9.27 Taking the above into consideration, both the internal and external living environment created, its failure to comply with minimum space standards and quality in terms of layout it is evident that the proposal would result in over intensified use of the site, creating sub-standard form of accommodation for future occupants to the detriment of their long term health and well-being, contrary to London Plan (2021) policy D6, and policy DM7 of the Waltham Forest Development Management Policies Local Plan (2013).

## **(ii) Subdivision of existing dwelling**

9.28 Policy H1 and H2 of the London Plan seek to ensure the delivery housing to ensure housing targets are achieved. This is further promoted in Local Plan Policies CS2 and DM2. Policy CS2 states that previously developed, particularly unused or underused land, should be prioritised for residential development to maximise the number of quality homes in the borough, and that effective and efficient use of land should be made by seeking to optimise housing densities, whilst optimising housing through new development. Policy DM2 and DM5 seek to also protect and prioritise the need for larger family homes.

9.29 Policy DM6 sets the Council directive to protect existing larger family homes from inappropriate conversion and loss to smaller self-contained homes (C3), Houses in Multiple Occupation (C4) and Buildings in Multiple Residential Occupation (Sui Generis). Policy DM6 sets the following restrictive criteria as being relevant considerations:

- i) It has a gross original internal floor space of less than 124sqm;
- ii) It is located within a 'Restricted Dwelling Conversion, HMO and Building in Multiple Residential Occupation Ward';
- iii) It results in the over concentration of conversions in one street; or
- iv) Appropriate parking spaces cannot be provided off street;

9.30 To reinforce the Borough's objectives to protect family housing, there is also an article 4 direction removing rights to also convert dwellinghouses (C3) to HMO (C4). The evidence-based document relating to the study to support the need for protecting larger family homes.

- 9.31 The Council's Authority Monitoring Report 2021/22, shows that the Gross Self-Contained Delivery in terms of unit size only provided 14% of units being 3 bedrooms or larger. As such, increasing the need to protect our existing quality larger family housing stock within the borough.
- 9.32 The application site is located within "Higham Hill" ward, which is a Restricted Dwelling Conversion Ward in accordance with Figure 7.1 of the DMP Local Plan. The original un-extended floor space of the dwelling is approximately 76sqm. Given the provisions of policy DM6, there is therefore an in-principle objection to the development being non policy compliant, unless there is a circumstance where the conversion would create or retain at least one larger unit and they are of equal quality provision. The proposed scheme would incorporate a 3 and 2 bedroom dwelling replacing a 5-bedroom dwelling. On face value it could be considered that the provision of a 3 bedroom unit would imply that large family home would be retained as per how the original property had been constructed. The property in its original form as a three bedroom unit, would have comprised of 3 bedrooms incorporating 2 double and 1 single bedroom.
- 9.33 However, in this case the proposed 3 bedroom unit would be of smaller nature, including only 1 double and 2 single bedrooms and as such would result in a reduction in the overall number of occupants.
- 9.34 It is therefore concluded the proposal would not result in the creation of or retain at least one appropriately sized larger home, and as set out earlier within the report, these new dwellings would not be of highest quality. As such, it is considered that the benefit of creating two residential units on this site would not outweigh the loss of an existing suitable larger family home in an area.
- 9.35 The proposal to subdivide the application site would inevitably result in the loss of a large family dwelling, to create two smaller family dwellings, and given the confined nature of the new plot results in substandard form of accommodation when collectively looking at both the internal and external living space which lends itself to poor living environment, to the detriment of long-term health and well-being of future occupiers. Policy seeks to ensure the delivery of good quality mix of housing, primarily through new development proposals, whilst seeking to retain and protect the existing larger family housing stock within the borough. As such the development would fail to comply with Policy CS2 and DM6, insofar as seeking to ensure an appropriate mix of housing is provided with protection of much needed existing quality larger family homes.

#### **D. Neighbour Amenity**

- 9.36 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.37 Policy DM4 requires proposals for extensions to protect the occupiers of the existing building and properties nearby from suffering any excessive loss of

residential amenity. Policy DM32 requires development to ensure that the amenity of neighbouring occupants is maintained by way of daylight/sunlight, outlook and privacy.

- 9.38 To facilitate the sub-division of the property into two separate residential dwelling, a single storey rear extension would be constructed as part of the current proposal, and therefore consideration is given to the impact of this extension on neighbour amenity.
- 9.39 As highlighted earlier in the report, whilst there is prior approval consent as part of application reference 210746 (5-metre in depth) this has not yet been built. Whilst it is acknowledged that prior approval was deemed not to be required for an extension of the same dimensions as those within the current proposal, there is no fallback position on which the applicant could use that determination to erect the extension, as the current proposal involves the conversion of the dwellinghouse into 2 residential units which would subsequently remove the permitted development rights that most purpose-built dwellinghouses benefit from. As such, the impact on neighbouring amenity resulting from the introduction of the extension must be considered as part of the assessment.

*67 Lawrence Avenue*

- 9.40 The proposed rear extension would project 5 metres beyond the rear extent of linked property no. 67 Lawrence Avenue, up against the shared boundary. The Waltham Forest Residential Extensions SPD sets out that a single storey rear extension should not project beyond a line drawn at 45 degrees from the edge of the nearest habitable window of a neighbouring property, with a general rule of thumb that an extension which exceeds 3 metres depth on properties in close proximity to each other is likely to result in an overbearing impact. The proposed extension would fail to comply with the 45 degree rule when applied to the adjacent ground floor habitable window of no. 67.
- 9.41 Given the relatively narrow width of the rear garden area of no. 67 and close proximity of its ground floor rear windows to the boundary of the host building, the proposed depth and bulk of the proposed extension would result in an unacceptable loss of outlook, overshadowing and loss of sunlight having an unacceptable impact on the amenities of occupants of this neighbouring property, contrary to requirements of Policy DM4 and DM32 of the Local Plan.

*63a Lawrence Avenue*

- 9.42 The proposed single storey rear extension would be set an adequate distance away and would not be sited to result in an unacceptable loss of light or outlook for the occupants of this neighbouring property.
- 9.43 The proposed single storey ground floor rear extension due to its overall bulk and depth would result in an unacceptable impact on the amenities of the occupiers of no. 67 Lawrence Avenue by reason of loss light, overshadowing and outlook, contrary to Policies DM4 and DM32 of the Waltham Forest Development Management Plan



## **E. Highway and Transport Impact**

9.44 Policy DM14 (Sustainable Transport Network) states that the Council will actively encourage sustainable travel. Developments should not have a harmful impact on the walking and cycling environment.

### **(i) Car Parking**

9.45 In accordance with Policy DM16 (Parking) the Council will seek to effectively manage parking and to ensure the provision of safe and attractive parking facilities. The Council would resist proposals that are likely to hinder pedestrian movement or prove injurious to highway safety; provide inadequate sight lines for vehicles leaving the site; and reduce on-street parking provision in areas where on-street parking spaces cannot meet existing demand.

9.46 Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. Lawrence Avenue is subject to CPZ parking controls and appears to be subject to reasonably high levels of on-street parking. The site has below average levels of access to public transport, with a PTAL level of 2. At present, whilst the depth of the front garden area is insufficient to accommodate a parking space, in keeping with other properties within the street, the front garden area is used for the parallel parking of one car. Scope to use this area for parking would be lost because of alterations to the front garden. As this is not a formal parking space in terms of its layout, it is not being treated as a loss of off-street parking, however the proposal would result in the loss of a 5-bedroom dwelling and replacement with 1 x 2-bed and 1 x 3-bed unit.

9.47 The London Plan parking standards set a maximum provision of 1 space per dwelling for a 3+ bedroom unit, and 1.75 spaces for 1 x 3+ and 1 x 1-2-bedroom unit. No off-street parking would be provided as part of the proposal. The existing dwelling would benefit from access to parking permits to use in the CPZ.

9.48 In line with the recommendations of the Highways department, a car-free agreement could be imposed on the development to remove the right of future occupants of the additional dwelling from access to access to parking permits within the CPZ. This could be secured by a S.106 legal agreement if the proposal was to be recommended for approval. Subject to such an agreement being secured, the proposal would have a very limited impact on Lawrence Avenue in terms of increased traffic parking-demand generation.

9.49 As such, it is considered that, subject to a s106 Legal Agreement, the scheme would be in accordance with Policies CS7 and DM16 of the Local Plan.

### **(ii) Cycle Storage**

9.50 Policy T5 of the London Plan as well as the Emerging WF Local Plan (LP1) (2020-2035) requires 1.5 cycle spaces for 2-person 1 bed dwellings and 2 spaces for all other dwellings. As the development is for a 1 x 2-bed and 1 x 3-bedroom units, 2 cycle spaces would be required for both units.

9.51 The submitted plans indicate that a cycle store would be provided within the rear garden of both units, although the plans do not specify how many bicycles

the stores could accommodate. Further details of the location and type of cycle storage could be conditioned if the development was to be recommended for approval, as there is plenty of space within the site to provide a satisfactory form of storage in an appropriate location to ensure compliance with Policy DM16 of the Local Plan and Policy T5 of the London Plan.

(iii) Required Highway improvements and works

- 9.52 The proposal would result in an existing crossover no longer being required. Therefore, the relevant highway works required would include the stopping up of existing crossover and re-instatement of the public footway, along with associated changes to extend parking bay frontage and remove single yellow line.
- 9.53 The Council's highway team sought a contribution of £1,000 towards improving sustainable modes of transport including walking and cycling in the vicinity of the site which would directly benefit new residents in this development.
- 9.54 In addition, to ensure and secure any repair works required to the public highway as result of the any damage resulting from the associated development works, a pre and post construction condition survey would be required.
- 9.55 Any forthcoming approval would require securing the above via s106 legal agreement.

**F. Refuse Management**

- 9.56 Policies CS6 and DM32 of the Local Plan states the requirement that new development should ensure that waste is managed in the most environmentally friendly way to protect human health and the environment from pests and other environmentally damaging effects. and in compliance with Policies CS6, CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).
- 9.57 The proposal includes the provision of storage space for three bins (Refuse, Recycling and food waste) in the front garden of each dwelling.
- 9.58 For households, the Council operates a three colour, two-wheeled bin systems with a weekly collection. Black 140 litre wheeled bin for refuse, green 140 litre wheeled bin for recycling and a brown 140 litre wheeled bin for organic waste.
- 9.59 Subject the overall development being acceptable, full details of refuse and recycling could be conditioned to ensure requirements of Local Plan Policy DM32 and the Waste & Recycling Guidance for Developers (January 2019) are achieved.

**G. Trees and Local Biodiversity**

- 9.60 Policy CS5 of the Waltham Forest Local Plan - Core Strategy (2012) seeks to protect and enhance green infrastructure and biodiversity. Policy DM35 of the Waltham Forest Local Plan – Development Management Policies (2013) states where there are existing biodiversity resources on-site or in the vicinity of a

development site, the developer must provide measures for their retention, the integration of existing wildlife habitats and features, and their restoration and enhancement where appropriate.

- 9.61 Paragraph 231 of the NPPF recognises the important contribution trees make to the character and quality of urban environments and are therefore encouraged as part of new development.
- 9.62 Almost the entire area of the site is occupied by the dwelling, outbuilding and hardstanding, with only a very limited amount of soft landscaping within the rear garden of the site. In order to enhance the biodiversity value and add trees and soft landscaping to the site, a detailed soft and hard landscaping scheme could be conditioned to be submitted prior to commencement of works on site, which would include measures to enhance the biodiversity value. This condition could be added if the scheme was to be recommended for approval, to ensure the proposal would comply with Policies CS5 (Green (Infrastructure and biodiversity)) and DM35 (Biodiversity) of the Local Plan and paragraph 131 of the NPPF with regards to trees and local biodiversity.

## **H. Epping Forest Special Area of Conservation**

- 9.63 Waltham Forest shares a boundary with the Epping Forest Special Area of Conservation and following research in the form of a visitor survey by Footprint Ecology, has been found to fall within a wider Zone of Influence (ZOI) based on the distance the majority of visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to the SAC and as result of the whole of the London Borough of Waltham Forest falls within this ZOI for recreational pressure. All new residential development within this ZOI constitutes a LSE (Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. According an "Appropriate Assessment" has been carried out on this application.
- 9.64 The Council as Local Planning Authority is obliged to ensure that any grant of planning permission would have sufficient mitigation measures in place so as to ensure that there would be no harmful impact on the Epping Forest SAC arising from LSE. The Local Planning Authority is a "competent authority" under the Habitat Regulations and is legally obliged to take Natural England's advice into account in decision making and attach great weight to it.
- 9.65 For schemes comprising one or more units of residential accommodation a new package of costed Strategic Access Management Measures (SAMM) has been prepared by the City of London Conservators of Epping Forest. This Mitigation Strategy has been agreed by all of the partners in the agreement and is in the process of adoption. A new SAMM levy is now in operation which requires a contribution of £627 per unit from all new residential schemes. Natural England is supportive of this approach, provided the total expected contribution is delivered to the City of London Conservators to support the delivery of SAMM in Epping Forest SAC.
- 9.66 Should there be a forthcoming approval for this application the development, based on current circumstances and regulations would be liable for

£627 payment towards the Epping Forest SAMM levy as it adds to the delivery of residential accommodation. Financial contributions towards the SANGS would normally be secured via the Community Infrastructure Levy (CIL) and would be allocated to projects within the relevant catchment area as identified in the strategy. However, in the event that CIL is not payable, or is insufficient to make a contribution to SANGS a bespoke contribution secured by Section 106 agreement would be required.

## **I. Planning Obligations**

9.67 Section 106 (s106) Agreements are a material consideration in the determination of a planning application. The purpose of such an Agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all of the following tests:

- i) Necessary to make the development acceptable in planning terms,
- ii) Directly related to the development. and
- iii) Fairly and reasonably related in scale and kind to the development.

9.68 In terms of the s106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Supplementary Planning Document “Obligations” (2017), for this development relate to:

- Car free development,
- £1000 is requested toward improving sustainable modes of transport including walking and cycling in the site vicinity,
- S.278- Highway Condition Survey - The developer would be required to carry out a condition survey of the carriageway and footways fronting the site prior to the commencement of any works.
- SAMMS- A financial contribution of £627 towards Strategic Access Management and Monitoring measures (SAMMs).
- Monitoring Fee - A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions.
- Legal Fees- Payment of the Council's legal fees for preparation and completion of the Legal Agreement.

9.69 If the proposal was considered by officers to have been acceptable in principle and it was deemed feasible to seek amendments that would resolve other issues with the scheme, the Council would have sought to draft a legal agreement with the applicant to secure these obligations. However, as the principle of development was not considered acceptable, the drafting of the legal agreement was not pursued by the Council.

## **10 CONCLUSION**

10.1 The proposal to subdivide the property to create two separate residential plots and dwellings within the confines of a narrow space would result in a form of

development that would be out of keeping and character with the wider locality, contrary to Local Plan Policies CS15 and DM29.

- 10.2 The proposal would result in the over intensified and cramped use of the property, resulting in the loss of a large single-family dwelling within a restricted conversion ward to create two smaller dwellings. Given the confined nature of the plot size, the new dwellings when collectively looking at both the internal and external living space would provide a poor living environment to the detriment of the of long-term health and well-being of future occupiers. The development would be contrary to Local Plan Policies CS2, DM6 and DM7.
- 10.3 The proposed extension to the rear would be of a form, depth, height and scale whereby it would unduly impact on the amenity of the neighbouring occupiers in terms of loss of light, overshadowing and outlook, contrary to Local Plan Policies DM4 and DM32
- 10.4 In addition to this, the applicant has failed to enter into a S106 agreement to control relevant matters, failing to comply with Local Plan Policy DM26.
- 10.5 The proposal is therefore recommended for refusal accordingly.

## **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.
  - D.** The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.2 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.

- 11.3 It is considered that the recommendation to refuse permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

- 11.4 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.
- 11.5 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 refuse 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 refuse 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 The Planning Committee is requested to refuse planning permission for the reasons set out below:
1. The proposed development is unacceptable in principle, as it would result in the subdivision of an existing residential plot to create two separate residential plots that would be at odds with the prevailing pattern and urban grain that defines the area. The proposed two bedroom unit on a narrow, long and awkward residential plot size, would result in a narrow dwelling frontage requiring a side entrance door, along with constrained front and rear garden spaces, contrary to policies D4 of the London Plan (2021), policy CS15 of the Core Strategy (2012), policy DM29 of the Development Management Policies - Local Plan (2013), and Supplementary Planning Document - Urban Design (2010).
  2. The proposed development is unacceptable in principle, by virtue of the loss of a large single-family dwelling within a Restricted Conversion Ward (Higham Hill Ward) that has an original gross internal area falling below 124sqm which is deemed unsuitable to be converted to separate self-contained residential units. The proposed units would provide a sub-standard and intensified form of living - failing to provide quality internal and external living accommodation, to the detriment of the long-term health and well-being of future occupiers. The proposal is therefore contrary to Policy CS2 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM6 and DM7 of Waltham Forest Development Management Plan, which seek to ensure long term provision of larger family dwelling homes and ensure that high quality and standard of new

homes are achieved to meet current and future needs of the Borough residents.

3. The proposed single storey ground floor rear extension due to its overall bulk and depth would result in an unacceptable impact on the amenities of the occupiers of no. 67 Lawrence Avenue by reason of loss light, overshadowing and outlook to the detriment of the long-term health and well-being of neighbouring occupiers, contrary to Policies DM4 and DM32 of the Waltham Forest Development Management Plan.
4. The applicant has failed to enter into a S106 agreement and therefore not in compliance with Policy DM36 of the Waltham Forest Local Plan – Development Management Policies 2013 and the Waltham Forest Supplementary Planning Document “Planning Obligations” SPD, specifically in relation to the following planning obligations requirements:
  - Car free development
  - £1000 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity,
  - s.278- Highway Condition Survey - The developer would be required to carry out a condition survey of the carriageway and footways fronting the site prior to the commencement of any works.
  - SAMMS- A financial contribution of £627 towards Strategic Access Management and Monitoring measures (SAMMs).
  - Monitoring Fee - A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions

Informative(s):

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 did not comply with guidance and no pre application discussions were entered into.

2. There is a right of appeal against this decision. Further details may be obtained at  
<http://www.planningportal.gov.uk/planning/planninginspectorate/planninginspectorate>

3. The applicant is advised that the application has been considered on the basis of drawing numbers:

Un-numbered Location Plan scale 1:1250 dated Jan 2023

309-70 Jan 2023

309-71 Jan 2023

309-72 Jan 2023

309-73 Jan 2023

309-74 Jan 2023

309-75 Jan 2023

309-76 Jan 2023

309-77 Jan 2023

Planning Statement by Blueline 30.01.23

4. The applicant is advised that the submitted existing plans and elevations are inaccurate, as they show that the single storey rear extension as shown in the proposed plans and elevation is an existing feature.