

## LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 5 <sup>th</sup> March 2024
Application reference:	223276 – Listed Building Consent
Applicant:	Chapelrise Developments LTD
Location:	698a High Road Leytonstone, Leytonstone, London, E11 3AJ
Proposed development:	<p>Listed Building Consent for</p> <ul style="list-style-type: none"> <li>• Conversion of the building into six self-contained flats (3 x 1-bed, 1 x 2-bed and 2 x 3-bed) (Use Class C3).</li> <li>• Excavation at basement level to facilitate the construction of a lower ground, ground and first floor side extension; lower ground and ground floor rear extension to provide an enclosed stairwell and associated lightwells.</li> <li>• Construction of a mansard roof extension with 5 dormer windows to the front and 5 dormer windows to the rear.</li> <li>• Construction of a replacement stepped front portico.</li> <li>• Refurbishment of brickwork to the front and rear elevations.</li> <li>• Internal refurbishment throughout including installation of an internal staircase.</li> <li>• Installation of replacement windows and boundary railings.</li> <li>• Provision of a timber refuse store and secure storage for 11 bicycles and associated landscaping.</li> </ul>
Wards affected:	Leytonstone

### 1. RECOMMENDATION

1.1 That Listed Building Consent be **ISSUED** subject to conditions and informatives.

### 2. REASONS REFERRED TO COMMITTEE

2.1 The application has been referred to planning committee by Councillor Marie Pye, and with the support of objections of local residents who have concerns for the proposed development in relation to the Grade II Listed building.

### 3. **SITE AND SURROUNDING AREA**

3.1 The proposal site comprises a large Grade II Listed building which is currently vacant and listed on the Heritage at Risk Register (1357632). The original use was residential and was last in use as the Royal British Legion Club and has been listed since 19<sup>th</sup> June 1985. The property forms part of a terrace of a trio of Georgian properties which are all Grade II listed from the late 18<sup>th</sup> century.

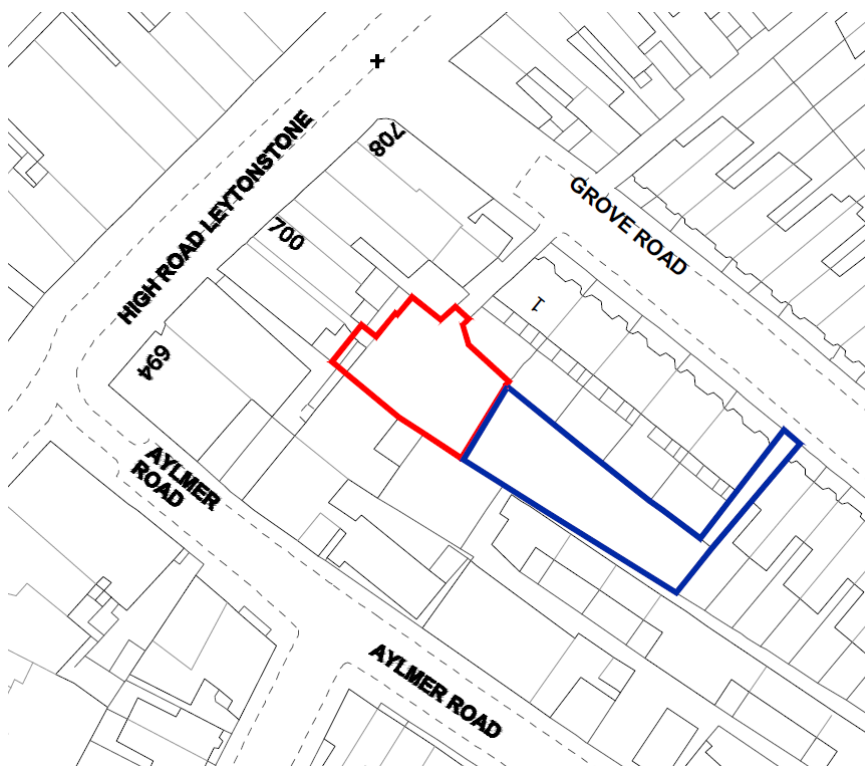
3.2 The site is within category Priority D with slow decay and has been listed in very bad condition. They have been built over and developed over the years, with 694a and 696a High Road Leytonstone converted into flats but are not on the register. They are characterised with brick stucco dressings, red pantile roof, each property 5 windows wide, projecting Doric porches and triglyph friezes. No.698 has a flat doorcase, square headed windows and gauged brick heads. The row of houses once had extensive rear gardens and grand front drives.

3.3 To the rear of the site is a large single storey pitched roof hall which was used when in ownership of the British Legion. The hall is now vacant, and the plot is largely developed over.

3.4 The building is positioned to the rear of High Road Leytonstone where there are two/three storey buildings with commercial use on ground floor and residential use on upper floors above. The expansion of London as a city in the 19<sup>th</sup> century resulted in encroachment onto the front driveways into the ground floor of the buildings to the front on High Road Leytonstone as shops and upper floors as residential.



- 3.5 The site is also enclosed by residential dwellings on Grove Road where the flank elevation is visible down a small access road between properties fronting Grove Road to the northeast and a view of the rear and front elevations are possible from the rear of adjoining properties. The site can be accessed between Nos. 696 and 698 High Road Leytonstone and through two alleyway entrances from Grove Road leading to the site. The flank wall of the other end of the terrace (694a) is set up to the pavement on Aylmer Road to the southwest and the frontages of 694a and 696a can be viewed through railings and gate.
- 3.6 The property is not located within a Conservation Area. There are no trees that are subject to a Tree Preservation Order within the site or on adjoining land and the site is not subject to an Article 4 direction other than the Borough-wide change of use from Class C3 to C4.



#### 4. APPLICATION PROPOSAL

- 4.1 The application follows on from application 161651 (LBC) and 161945 (Full) which were both approved, the details of which are set out section 5A below. A pre-application enquiry (PRE\_21\_0178) was also submitted to address the conditions of the former elapsed application to reduce the need for further conditions at application stage.
- 4.2 This report relates to an application for listed building consent (223276 and full planning application (223174) (Item 4.1 on this agenda) seeking planning permission for the following development:

- Conversion of the building into six self-contained residential flats (3 x 1-bed, 1 x 2-bed and 2 x 3-bed) (Use Class C3)
- Excavation at basement level to facilitate the construction of a lower ground floor, ground and first floor side extension.
- Lower ground and ground floor rear extension to provide an enclosed stairwell and associated lightwells
- Construction of a mansard roof extension with 5 dormer windows to the front and 5 dormer windows to the rear
- Construction of a replacement stepped front portico
- Refurbishment of brickwork to the front and rear elevations
- Internal refurbishment throughout including installation of an internal staircase
- Installation of replacement windows and boundary railings
- Provision of a timber refuse store, secure storage for 11 bicycles and associated landscaping

## 5. RELEVANT SITE HISTORY

### A. Planning

5.1 The relevant planning applications are as follows -

- **000345** - Construction of metal security gate between 700 High Road and 698 High Road E11 - Approved 28/04/2000
- **121043** - Part demolition at ground floor, and of external staircase, extensions at ground floor and to roof comprising dormer windows at front and rear. Formation of light wells at front and rear to serve basement and conversion of building into five residential units (2 x 2 bed flats, 2 x 2 bed maisonettes and 1 x 3 bed flat - Approved 24/04/2012
- **121148** - Listed building consent - Part demolition at ground floor, and of external staircase, extensions at ground floor and to roof comprising dormer windows at front and rear. Formation of light wells at front and rear to serve basement and conversion of building into five residential units (2 x 2 bed flats, 2 x 2 bed maisonettes and 1 x 3 bed flat - Approved 24/04/2012
- **161651** - An application for listed building consent. Extensions at lower ground floor, ground floor and first floor level including mansard roof extension to form six self-contained flats, along with the provision of cycle store and refuse collection area - Approved 17-02-2017.
- **161945** - Extensions at lower ground floor, ground floor and first floor level including mansard roof extension to form six self-contained flats, along with the provision of cycle store and refuse collection area - Approved 17-02-2017

### B. Pre-application Advice

5.2 The application site was the subject of one previous submission in February 2022 for pre-application advice.

5.3 The submission related to the - Conversion of the Grade II Listed Building into six self-contained apartments to include side and rear extensions (PRE\_21\_0178) .

5.4 This pre-application advice consolidates details forming part of this application.

**C. Adjacent sites/ neighbouring properties:**

5.5 ***Clement House, 696a High Road Leytonstone***

5.6 861027 – Alterations to listed building to form 6 self-contained flats involving formation of 10 dormer windows – Approved 01-01-2001

**6. PUBLIC CONSULTATION**

6.1 A site notice was displayed on the site, dated 9/01/2023 and press notice was published on the 12/01/2023.

The following properties were consulted on the 5/01/2023:

- Nos. 694-710 High Road Leytonstone
- Rear of 710 To 712 High Road Leytonstone
- Nos. 1 - 20 Grove Road
- Nos. 11 - 14 Aylmer Road

6.2 No public representations were made as part of the consultation process and by close of the consultation period on the 2<sup>nd</sup> February 2023.

6.3 Objections were received from Councillor Marie Pye and Bushwood Area Residents Association. Those related to the full planning application are dealt with in Item 4 of this agenda. Below are the comments related to the application for listed building consent:

<b>Comment</b>	<b>Officer Response</b>
The proposed flats do not take into account the key features of the listed building. The pillars and one of the staircases are boxed in and it does not preserve the cornices.	The proposal has been carefully designed with the assistance of the Council's Conservation Officer and Historic England in relation to the protection of all the heritage assets of the building. The pillars at the front of the building will be replaced with like-for-like alternatives to ensure that they are of the same appearance and in character with the building, which also includes the windows and external details. The internal staircase will be retained and repaired, as well as the internal historic features of the building.

**7. OTHER CONSULTATIONS**

7.1 The Council circulated consultation letters to internal and statutory external consultees on the 9<sup>th</sup> January 2023.

7.2 The comments are listed below:

Consultees	Response
<b>Structural Engineer</b>	The location of the proposed works is sufficiently far enough away from the publicly maintainable highway that at no time would the permanent or temporary works support it. Therefore, it is considered that Technical Approval in accordance with CG300 are not applicable in this instance.
<b>Conservation Officer</b>	Several meetings were had with the Conservation Officer to amend the plans to satisfy the requirements of the officer and address the concerns raised. This will be further discussed in section 9.E of the report below.
<b>Historic England</b>	The submitted drawings suggest that the doubled glazed units would have a thickness of 20mm, which normally requires noticeably thicker glazing bars than what would be historically appropriate (and are unlikely to match the existing single glazed sashes). The glazing bar profiles illustrated are not drawn from historic detailing (typically a lamb's tongue or ogee moulding at the time the house was constructed). Amendment required

## 8. DEVELOPMENT PLAN & MATERIAL PLANNING CONSIDERATIONS

### DEVELOPMENT PLAN

8.1 **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:

- GG2 Making Best Use of Land
- GG4 Delivering Homes Londoners Need
- D1 London's form, character and capacity for growth
- D4 Delivering good design
- D5 Inclusive Design

8.2 **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:

- CS12: Protecting and Enhancing Heritage
- CS13: Promoting Health and Well Being
- CS15: Well Designed Buildings, Places and Spaces
- CS16: Making Waltham Forest Safer

8.3 **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:

- Policy DM28 - Heritage Assets
- Policy DM29 - Design Principles, Standards and Local Distinctiveness
- Policy DM30 - Inclusive Design and the Built Environment

## 9. OTHER MATERIAL CONSIDERATIONS

### **Shaping the Borough – London Borough Waltham Forest Draft Local Plan Part One Submission Draft:**

The Waltham Forest Local Plan (LP1) will replace the current Waltham Forest Local Plan Core Strategy and Development Management Policies. It has undergone consultation and examination. The Council consulted on a schedule of Main Modifications from 21st July 2023 to 21st September 2023.

9.1 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to: - the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.2 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.

9.3 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 72 - Designated Heritage Assets
- Policy 73 – Listed Buildings

### **National Planning Policy Framework (2023)**

The National Planning Policy Framework (“NPPF”) 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.

- 9.4 For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without (Item 4.1) 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.
- 9.5 The specific policy areas of the NPPF considered to be most relevant to the of this application are as follows:
- Achieving well designed places
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment

#### **Historic England Advice Note 3: The Setting of Heritage Assets (2017)**

- 9.6 This document sets out guidance on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.

#### **Waltham Forest Local Plan Urban Design SPD (2010)**

- 9.7 This document has the aim of raising the quality of design within the Borough. The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability where people are considered disabled by barriers in society, not by their impairment or difference.

### **10. ASSESSMENT**

- 10.1 The main issues for consideration, in relation to the proposed development are as follows:

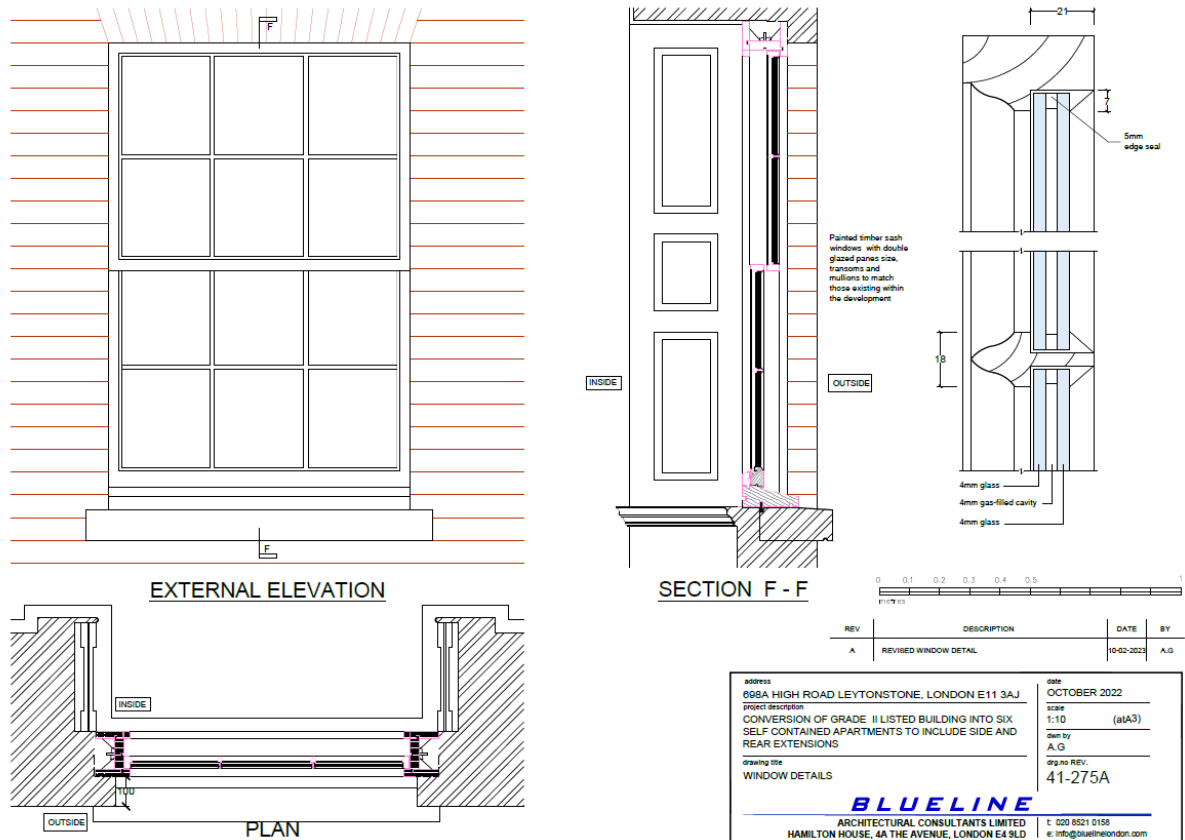
- A. Impact on the Fabric of the Grade II Listed Building
- B. Impact on Setting of the Listed Building
- C. Inclusive Design

#### **A. Impact on the Fabric of the Listed Building**

- 10.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving the character of Listed Buildings and their setting or any features of special architectural and historic interest.



- 10.3 Under the National Planning Policy Framework (NPPF), Listed Buildings and Conservation Areas are considered designated heritage assets. Any application for Listed Building Consent should therefore describe the significance of heritage assets affected by any development affecting the fabric or setting of Listed Buildings, including any contributions made by the development. In this instance, special care is given to the internal works, to ensure that the fabric and original plan form of the building is protected.
- 10.4 Policy HC1 of the London Plan 2021 states that proposals affecting heritage assets and their setting should conserve their significance by being sympathetic in terms of materials and architectural detailing. This is an overarching objective also expressed in Policy CS12 of the WFLP Core Strategy (2012) that in managing growth and change, the Council will promote the conservation, enhancement and enjoyment of the Borough's heritage assets and their setting. DM28 of the WFLP Development Management Policies (2013) supports Policy CS12, in that development proposals which can affect the significance of heritage assets within the Borough or their setting should be carefully assessed.
- 10.5 Policy 72 Designated Heritage Assets of the Emerging Local Plan states that development will be conserved by "not permitting development proposals that would lead to either substantial harm to, or total loss of designated heritage assets or their settings unless it can be demonstrated that the proposal
- 10.6 There is no objection to the principle of reinstating elements of the listed building and it is highlighted that the scheme would be a positive result as the site would be removed from the Heritage At Risk Register.
- 10.7 In response to the comments from Historic England, further details were required in regard to the window dimensions and design, replacement of internal shutters, external railings and the roof slates. Detailed specification drawings of the proposed works including the removal of internal panels and repair or replacement of internal doors.
- 10.8 In relation to external materials, roof slate sample was sent to Officers to review it were considered appropriate in relation to the materiality of the roofing.
- 10.9 An extract from submitted Drawing number 41-275A shown below, details window designs and dimensions where the windows would be white painted timber sash windows with double glazed panes, the size transoms and mullions are to match those within the existing property already. The section drawing shows 4mm glass with 4mm cavity between the double glazing. The internal shutters would be replaced on a like-for-like basis. This was considered acceptable and captures all relevant information critical to assess the impact of the listed building which is considered to preserve the historic fabric of the building.



10.10 The installation of the black metal railings would maintain the site boundary surrounding the front lightwells and entrance to the building with detail that would be in character with the building. They would appear as an appropriate material in relation to the context of the immediate area, and of appearance to enhance the character of the listed building in compliance with the policies listed above.

10.11 Pre-application ref; PRE\_21\_0178 outlined the details which were submitted and deemed acceptable by the Conservation Officer so they do not need to be added as planning conditions. The original decorations would remain and be repaired as existing or replaced as existing where necessary to be made good. The kitchen in Flat 1 would have a complete island unit to avoid contact with the surrounding walls, panelling, skirting and dado rails.

10.12 External rainwater goods would be in traditional cast iron with a black finish.

## **B. Impact on Setting of the Listed Building**

10.13 The proposed works would ensure that the main building would preserve its architectural integrity and symmetry with the other properties within the terraced group by retaining the arrangement of the five windows across the front elevation.

10.14 The roof works with the provision of a mansard would mimic that on the adjacent building and is considered an characterful addition to a building of this

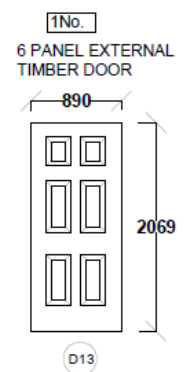
age and design, and thus would not detract from the terrace. The side extension would be respectful and considered appropriate by being set back from the principal elevation so that the main building façade would remain prominent and would not extend to the full length of the building. As such, there would be limited impact on the appearance of the building when viewed from Grove Road and surrounding properties, it would also remove the existing metal external staircase.

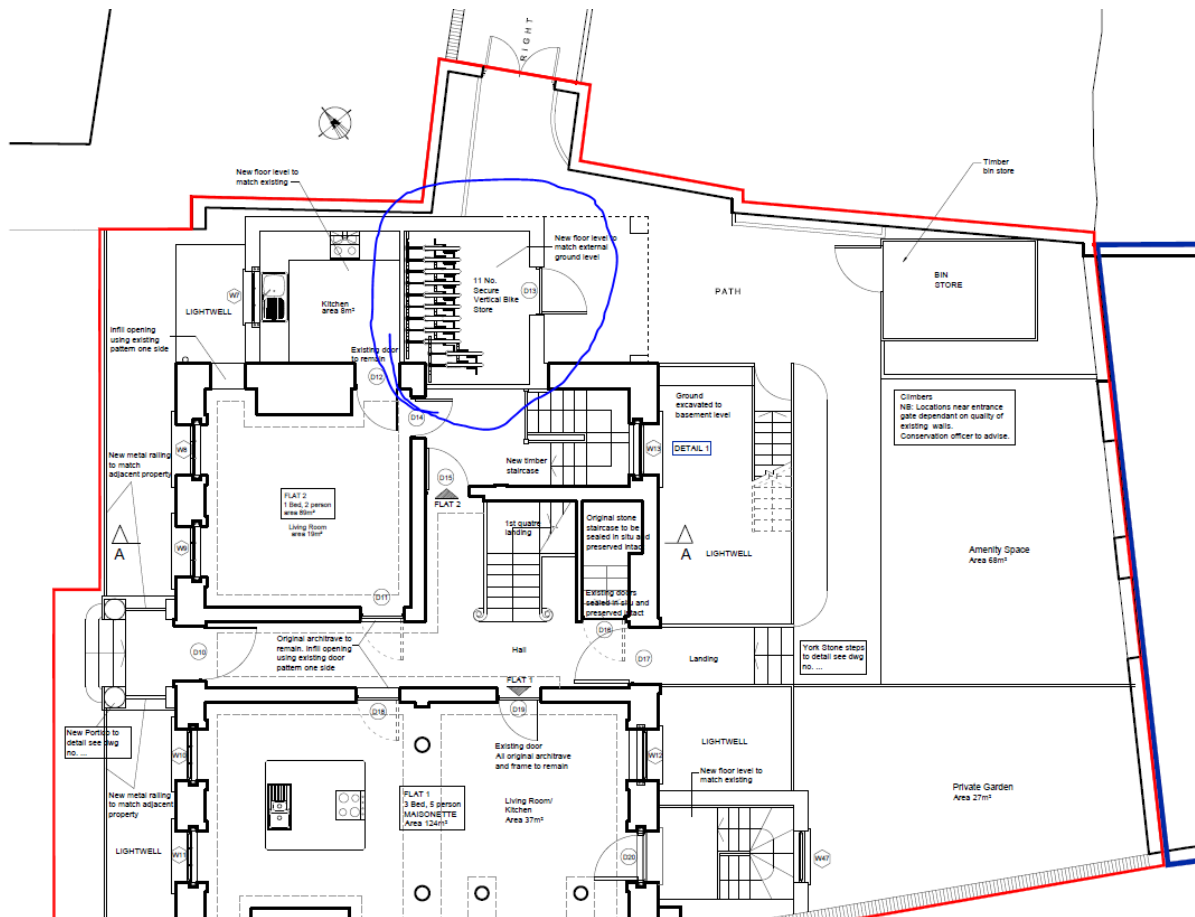
10.15 To the front of the building, the portico would be redesigned to match the adjacent terraced properties in order to maintain the architectural balance amongst the group. The pillars to the portico would be reconstituted Portland stone, complementing the listed building and its neighbours and finished in a pale colour. The use of this material reinforces the contextual design principles of the listed building and aids to integrate the character and appearance of the building within its immediate setting.



### **Cycle Parking**

10.16 Cycle storage would be provided within the left wing of the building on the ground floor of the proposed side extension. The floor levels would be finished to match the external ground level with a new door for access. The capacity of the cycle store would be proportionate in the provision for 11 cycle spaces. Access to the cycle store would be externally through a 6-panel external timber door.





### **Trees and Landscaping**

- 10.17 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.
- 10.18 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.
- 10.19 There is some planting shown to the front and rear elevations and no details have been provided of the level of landscaping in the amenity area. 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.

10.20 Officers will ensure that appropriate landscaping is provided, particularly at the front of the site so that it not overwhelmed by planting, thus maintaining a formal setting.



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

### C. Inclusive Design

10.21 London Plan Policy D5 and Policy DM30 of the WFLP DM Policies (2013) seek to ensure that development proposals achieve the highest standards of accessible and inclusive design guidelines. In addition, the Council's Urban Design SPD is applicable in assessing the accessible design guidelines of the proposed internal alterations to the Listed Building, particularly in considering disabled access, circulation and mobility within the Listed Building and its surroundings.

10.22 Due to nature of the site being a listed building, it becomes difficult to make any external alterations to the building to achieve inclusive design without compromising the historic fabric of the building. Particularly in this instance where the refurbishment to the building seeks to remove the building from the Heritage At Risk Register, this would unfortunately not be viable. Furthermore, due to the development being a conversion of the building into residential flats, it is likely to not meet the M4(2) building regulations for accessible and adaptable dwellings.

#### D. Planning Obligations

10.23 A Section 106 Agreement has been required for the full planning application, Item 4.1 on this agenda, but there are no matters required for the Listed Building Consent.

### 11. **EQUALITIES AND HUMAN RIGHTS**

11.1 In making its decision the Council has had regard to its public sector equality duty (PSED) under s.149 of the Equalities Act. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

11.2 It is also considered that the decision takes into account issues arising from the Human Rights Act 1998.

### 12. **CONCLUSION**

12.1 The design of the scheme, including materiality would have an acceptable impact on the listed building and as a result of the works would remove the heritage asset from the Heritage At Risk Register.

12.2 The proposed works to the Grade II Listed Building are assessed together with linked planning application under reference 223174. A separate report has therefore been prepared, which assesses the material planning considerations of the proposed development, such as impact on design, neighbourly impact, landscaping, refuse strategy, cycle storage, amenity and highways implications.

12.3 The proposed development in the setting of the Listed Buildings has been carefully reviewed and a balance between the harm and heritage benefits of the proposed development has been assessed. As such, it is considered that the level of harm on the setting of the listed buildings would be less than substantial on the designated heritage assets and the benefits outweigh the harm caused.

12.4 For these reasons given above, it is considered that the development would preserve the significance and heritage value within the site consistent with the objectives of Policies DM28 and DM32 of the WFLP DM Policies (2013), Policy CS12 of the WFLP Core Strategy (2012), Policy 72 of the Emerging Local Plan, Section 16 of the NPPF 2021 and relevant local heritage policy and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 13. RECOMMENDATION

- 13.1 The Planning Committee is requested to resolve that Listed Building Consent be granted subject to the following conditions and informatives.

#### **CONDITIONS**

1. The development hereby permitted shall begin no later than the expiration of three years from the date of this consent.

Reason: To comply with the provisions of section 91(1)(a) of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

- Heritage Statement (dated 14-10-2022)
- Design and Access Statement (undated)
- Location Plan (dated October 2022)
- Basement Impact Assessment (dated 14-12-22)
- 41-200, 41-201, 41-202, 41-203, 41-204, 41-205, 41-206, 41-207, 41-208, 41-209, 41-210, 41-211, 41-250, 41-251, 41-252, 41-253, 41-254, 41-255, 41-256, 41-260, 41-261, 41-262, 41-263, 41-264, 41-265, 41-266, 41-270, 41-271, 41-272, 41-273, 41-274, 41-276, 41-277, 41-278, 41-279 (dated October 2022)
- 41-275A (dated 10-02-2023)

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

3. All new and disturbed internal and external surfaces shall be made good, with regard to the methods used and to the material, colour, texture and profile, where shown in the approved drawings and shall thereafter retained as such.

Reason: In order to preserve and enhance the character and setting of the Listed Building in accordance with Policies CS12 and CS 15 of the adopted Waltham Forest Local Plan – Core Strategy (2012), Policies DM28 and DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013) and Policies 53 and 72 of the adopted Waltham Forest Local Plan (2024).

4. Prior to the new residential units being occupied, the Listed Building at 698a High Road Leytonstone shall have been repaired and restored completely in accordance with the approved plans. The approved repair and restoration works shall thereafter be maintained as such.

Reason: To preserve and enhance the character and setting of the Listed Building, in accordance with Policies CS12 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012), Policies DM28 and DM29 of the

adopted Waltham Forest Local Plan – Development Management Policies (2013) and Policies 53 and 72 of the adopted Waltham Forest Local Plan (2024).

### **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. The applicants are reminded that all building materials should be stored on land in their ownership and that neither materials nor vehicles should obstruct the public highway, footpaths or any other land over which other persons have right of access.
3. A legal agreement has been entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission to ensure that the one of the dwellings in the development is car-capped, i.e. future occupiers of the units will not be eligible for parking permits.
4. 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.
5. This notice is without prejudice to your responsibilities under any other legislation.