

**LONDON BOROUGH OF WALTHAM FOREST**

Committee/Date:	Planning – 05 <sup>th</sup> March 2024
Application reference:	231327
Applicant:	Mr Alia
Location:	80b Mornington Road, Chingford, London, E4 7DT
Proposed development:	Alterations to existing outbuilding structure including replacement of existing roof and height reduction.
Wards affected:	Chingford Green
Appendices:	None

**1 RECOMMENDATION**

- 1.1 That planning permission is GRANTED subject to conditions and informatives.

**2 REASONS REFERRED TO COMMITTEE**

- 2.1 The application is referred to Planning Committee due to level of public interest.

**3 SITE AND SURROUNDINGS**

- 3.1 The application relates to rectangular plot located on the southern side of Mornington Road, Chingford. The plot hosts a two-storey detached property. The property's garden slopes down significantly with a large brick-built outbuilding comprising of pitched roof built at the far end, incorporating a garage door facing Arabia Close. The ground level of the rear garden is approximately 0.85m lower than that of the adjoining gardens and Arabia Close.
- 3.2 Whilst a Certificate for Lawful Development for an outbuilding was granted in 2020 (ref: 202079), the outbuilding currently as built was deemed unlawful due to exceeding the limitations as set out within Class E of the GPDO.
- 3.3 The outbuilding as it currently stands is considerably larger in size, overall bulk and height than structures in adjacent gardens. Its proportions were deemed to not only fail to comply as permitted development, and was also not compliant with Policies DM4 and DM29 of Waltham Forest Local Plan - Development Management Policies (2013), therefore the outbuilding was deemed to be built in breach of planning control. An Enforcement Notice (ENF/200004) was issued on 20 August 2021 and an appeal was then dismissed on 01 December 2022.

- 3.4 The application site is located within Station Road Conservation Area which came into effect on 20 April 2023, however the property is not listed and is not currently the subject to an Article 4 direction whereby Permitted Development rights still remain.
- 3.5 Mornington Road is predominantly residential in nature, consists of two storey detached and semi-detached Edwardian properties with considerably deep and large rear gardens. 80a and 80b are more recent infill developments. Most of the properties benefit from detached outbuildings at the back of the garden, with a garage door fronting Arabia Close.
- 3.6 The rear of the site faces Arabia Close and there is a stretch of unregistered land (indicated below with blue dashed lines) which sits between the site boundaries of 80a to 88 Mornington Road and public highway land (Arabia Close, shown in red). It is noted from site visit that this stretch of land is informally used for parking and means of rear access to properties on Mornington Road.

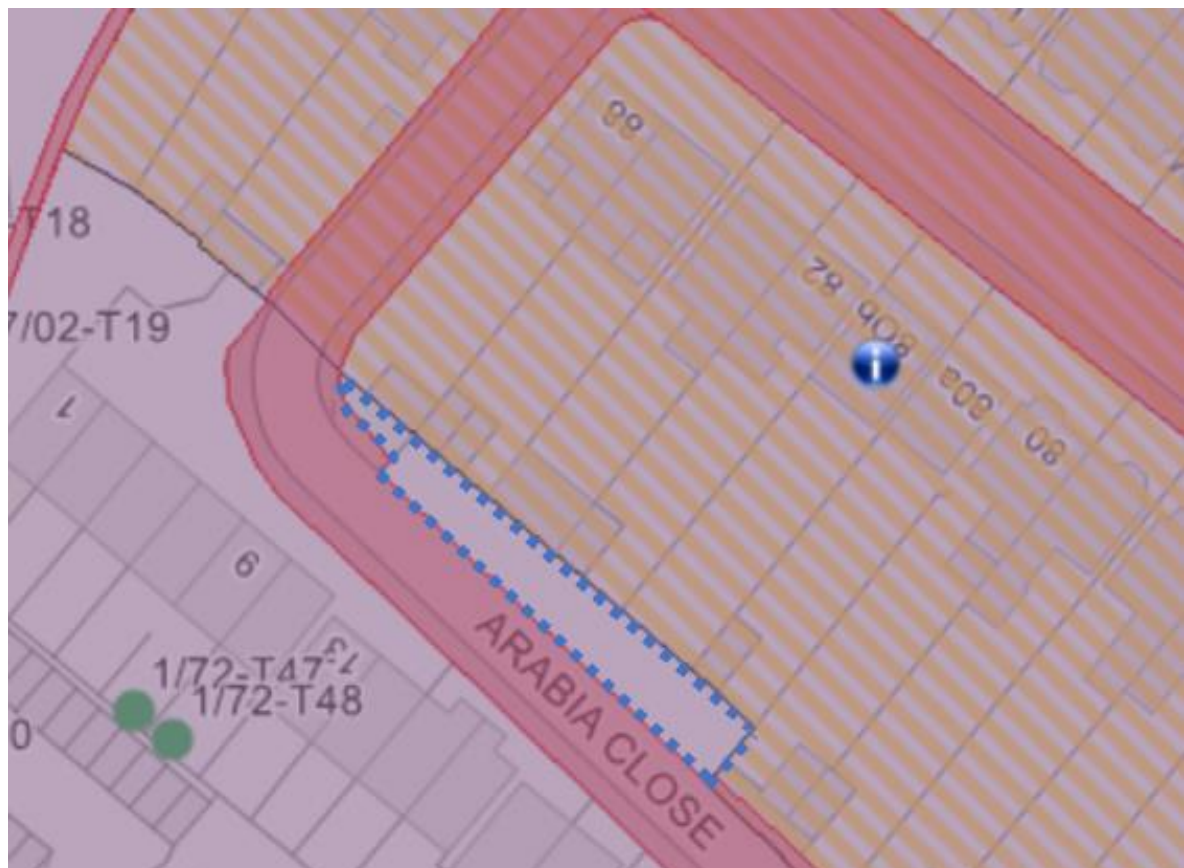
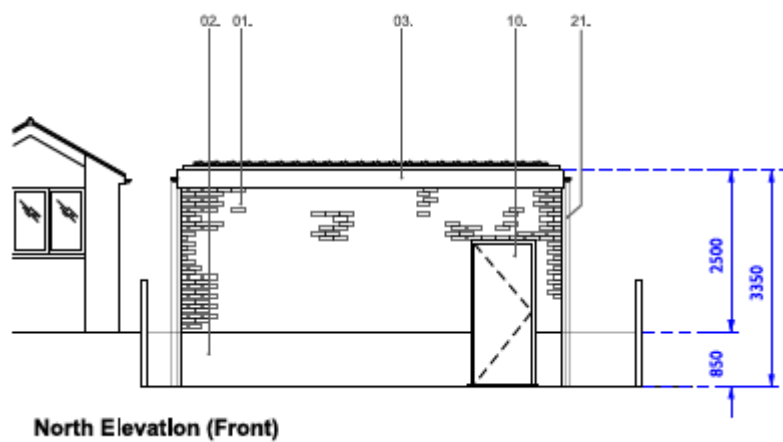


Figure 1: Site location and unregistered land.

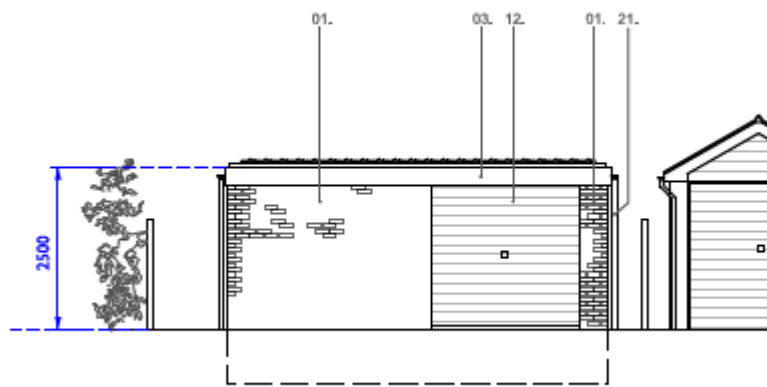
#### 4 APPLICATION PROPOSAL

- 4.1 The current planning application seeks to remedy the planning breach, seeking to reduce the overall height of the structure including the replacement of existing roof.

- 4.2 The existing outbuilding has a dual-pitched roof with a maximum height of 4.7m and an eaves height of 3.14m when measured from the front (ground level of the rear garden). When measured from the rear (ground level of Arabia Close) the maximum height of the outbuilding is 3.85m with an eaves height of 2.4m.
- 4.3 The pitched roof would be removed and replaced by a flat green (sedum) roof with a height of 3.35m when measured from the front (ground level of the rear garden), and 2.5m when measured from the rear (taken from the ground level of Arabia Close). The external wall of the outbuilding would remain as existing, with sand cement render at the lower part and red bricks above. New white uPVC fascia board/cladding would be placed on the upper part.



North Elevation (Front)



South Elevation (Rear)

## 5 RELEVANT SITE HISTORY

### (A) Planning

Application Reference	Proposal	Decision
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<a href="#">203342</a>	Lawful Development Certificate (Proposed) - Construction of single storey rear extension at ground floor level.	Approved (With Informatives) dated 24/12/2020
<a href="#">202079</a>	Lawful Development Certificate (proposed) - Construction of an outbuilding in rear garden area to be used as a garden room/garage ancillary to the main residential use of the site.	Approved (With Informatives) dated 07/09/2020
<a href="#">201856</a>	Retention of existing front bay window with larger front bay window at ground floor level. Retention windows to front lower ground floor elevation as replacement to pre-existing garage door.	Approved (with Conditions & Informatives) dated 18/08/2020
<a href="#">201432</a>	Retention of dormer roof extension to main rear roof, installation of three rooflights to front roof slope.	Approved (with Conditions & Informatives) dated 10/07/2020
<a href="#">200456</a>	Excavation to create a lower ground floor rear extension including lowering of the floor level. Construction of a single storey ground floor rear extension. Installation of a larger front bay window and replacement of front garage door with windows.	Withdrawn on 21/04/2020
<a href="#">200410</a>	Construction of a rear facing dormer roof extension and installation of 3 rooflights to the front roof slope.	Approved (with Conditions & Informatives) dated 02/04/2020
<a href="#">860968</a>	ERECTION OF 4 BED DETACHED HOUSE WITH INTEGRAL GARAGE do not use capitals	Approved (with Conditions & Informatives) dated 03/06/1986

## (B) Pre-Application

- 5.1 PRE\_23\_0081 - advice given 09-05-2023
- 5.2 Pre-application advice was sought seeking to resolve the planning breach, involving the reduction of the height of the structure and change in roof profile. Officer's advice was taken on board and resulted in the submission of the current application.

## (C) Enforcement

- 5.3 The outbuilding currently under consideration had been the subject of an enforcement investigation (IN\_526850), as part of the investigation it was alleged that there were two planning breaches on site whereby a rear single storey extension and the outbuilding had not been constructed within the provisions of permitted development, as set out the General Permitted Development Order (GPDO), and therefore an Enforcement Notice (ENF/200004) was served.

- 5.4 The requirements of the notice were:
- 1) Reduce the height and depth dimensions of the single storey rear extension so that it fully accords with the conditions and limitations of Schedule 2: Part 1: Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - 2) Reduce the height dimension of the single storey outbuilding so that it fully accords with all the conditions and limitations of Schedule 2: Part 1: Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - 3) Remove all resulting materials, rubble and general detritus from the Land following compliance with step (sic) above.
- 5.5 The period for compliance with the requirements was six months.
- 5.6 Two separate appeals were then made: APP/U5930/C/21/3283017 (related to the outbuilding, Appeal A) and APP/U5930/C/21/3283018 (related to a single storey rear extension, Appeal B). Appeal A was dismissed and Appeal B was allowed and the Enforcement Notice amended to delete the first requirement relating to the single storey rear extension. The period for compliance with the requirements is six months from the appeal decision date (01 December 2022), which is 1 June 2023.
- 5.7 A pre-application advice was sought on 29 Mar 2023 and this application was submitted on 26 May 2023. There has been no further action taken by the Enforcement Team, as it subject to review pending the decision of this current planning application.

(D) Adjacent Site

- 5.8 No relevant planning history.

## **6 PUBLIC CONSULTATIONS**

### **6.1 Public Consultation**

The Council circulated 11 consultation letters to local residents on the 16 June 2023, as follows:

- 15-27 Arabia Close (odd)
- 80-84 Mornington Road (even)

Site notice was displayed on the site, dated 23 June 2023. Press Notice was also issued, dated 22 June 2023.

The Council received 8 objections, along with an objection from Cllr Goldie.

The Councillor raised objection to the development, but did not provide any details. Objections raised from local residents are addressed below

<b>Objection Received</b>	<b>Response</b>
<p>The application site does not benefit from right of way over the unregistered land that adjoins the rear of the application site and public highway and therefore access to the outbuilding would not be acceptable.</p>	<p>Right of way is not a material planning consideration. The grant of planning permission does not extinguish private rights and they would continue to have effect. If the neighbours believe that there are private rights of access in play that would prevent access to the outbuilding, this matter would need to be dealt with under the relevant legal legislation.</p> <p>The Council's Legal Services provided guidance on this matter, see section B below.</p>
<p>Not in keeping with the Conservation Area</p>	<p>The proposed reduction of height and materials would improve the overall appearance of the outbuilding. Conservation Officer has been consulted and confirmed that the outbuilding has no significant impact on the character of the Conservation Area.</p>
<p>The proposed height does not comply with GPDO</p>	<p>This application is seeking a full planning permission, therefore this application would not be assessed under the provisions of permitted development as set out in the GPDO, but assessed under the provisions of Local Plan Policies.</p> <p>Detailed assessment under section 6A.</p>
<p>Increase risk of fire and crime since the outbuilding is used for storage of building materials</p>	<p>The use of the subject outbuilding as a garden room/garage is established and approved under the Lawful Development Certificate ref: 202079, although the outbuilding as built was then confirmed as unlawful, the unlawfulness relates to its height, not its use.</p> <p>Notwithstanding the above, the impact of the use of the outbuilding would be insignificant as the use of the subject outbuilding (storage) is similar to other outbuildings approved under Permitted Development, which is to remain incidental to the use of the main dwelling.</p>

Objection Received	Response
	A fire safety statement is also submitted and demonstrates that the current fire safety would not be adversely affected by the proposed works.
Increase of traffic and noise during construction	Any construction activity associated with the proposal would be minor and commensurate with other small domestic building works which are to be expected in a residential area and would have minimal if any, impact on the surroundings.

## 6.2 Statutory Consultation

Consultees	Response
Legal Services	<p>Right of way is not a material planning consideration.</p> <p>The land to the rear is unregistered at the Land Registry and its ownership is unknown – the only way for someone to prove ownership would be to produce the physical title deeds for the property and no one seems to have done this.</p> <p>If the residents do have these rights, then they are private rights that will be protected by other law, and which can be enforced by them privately.</p>
Highways	No comment.
Place and Design - Conservation	The application is for an outbuilding located at the rear of the site which makes no contribution to the character of the conservation area. The proposals, to reduce the height and replace the roof would similarly not have any impact on the perceived character of the conservation area. And therefore, there were no concerns raised relating to proposal.
Planning Enforcement	Considering the compliance period, Planning Enforcement has advised Officers to impose a condition on timeframe in which the works would need to be completed. Failing to carry out the works in the given timeframe as set out in any forthcoming consent, then Enforcement would proceed with further action.

## 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 - Shaping the Borough – London Borough Waltham Forest Local Plan (2024). Other planning policies are material considerations.

#### The London Plan (2021)

- 7.4 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:
- D4: Delivering good design
  - HC1 – Heritage, Conservation, and Growth
  - G5 – Urban Greening

#### Shaping the Borough – London Borough Waltham Forest Local Plan (2024)

- 7.5 The draft version of the Local Plan underwent Regulation 18 public consultation between July and September 2019 and consultation on the proposed Submission Version between 26 October and 14 December 2020. It has undergone examination and consultation on proposed modifications, concluding 21 September 2023. The plan was adopted on 29 February 2024 and forms the new development plan for the Borough, superseding both the Core Strategy (2012) and Development Management Policies (2013).
- 7.6 The new Local Plan is a “combined” document comprising 12 thematic policies and a revised spatial strategy, splitting the borough into North, South and Central Waltham Forest.
- 7.7 The relevant policies are as follows:
- Policy 53 Delivering High Quality Design
  - Policy 57 Amenity
  - Policy 66 Managing Vehicle Traffic
  - Policy 72 Conservation Areas



## **8 MATERIAL PLANNING CONSIDERATIONS**

### National Planning Policy Framework (2023)

- 8.1 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.
- 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:
- Achieving well design places
  - Conserving the historic environment;

### Other policies

- Chingford Station Road Conservation Area Appraisal and Management Plan (January 2023)

### Local Finance Considerations

- 8.5 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. Preliminary Matters
- B. Design and Character
- C. Impact on Neighbouring Amenity
- D. Highways

### A. Preliminary Matters

#### (i) Right of way

9.2 The land fronting the garage door is unregistered (as shown in figure 1 in section 3) and the ownership is unknown.

Right of way is not a planning consideration. If the applicant or the property owners of Arabia Close believe they have the private rights to use the land, the rights will be protected by other relevant law, which can be enforced privately.

The grant of planning permission does not extinguish private rights and they would continue to have effect. If the neighbours believe that there are legal restrictions in relation to the private rights of access in place that would prevent vehicles from entering and leaving the outbuilding under consideration as part of this application, then it will be for them to enforce privately. There are no valid planning reasons to restrict a garage door inserted on the outbuilding., The question on whether there would be legal restrictions in place from passing over the adjacent unregistered land to allow access to the outbuilding is a matter the applicant and any interest parties would need to deal with outside of the planning legislation.

#### (ii) Effect of planning permission on enforcement notice

9.3 The subject site has been served an Enforcement Notice, as amended by the appeal decision, requiring the following compliance actions:

1) Reduce the height dimension of the single storey outbuilding so that it fully accords with all the conditions and limitations of Schedule 2: Part 1: Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

2) Remove all resulting materials, rubble and general detritus from the Land following compliance with step above.

9.4 However an alternative approach has been taken by submitting a full application to rectify the breach of planning control. As such the assessment is based on the requirements of national and local policies, instead of the GPDO.

9.5 Furthermore, S180(1) of the Town and Country Planning Act 1990 states that:

*Where after the service of -*

*(a) a copy of an enforcement notice; or*

*(b) a breach of condition notice,*

*planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.*

- 9.6 In light of the above, if planning permission is granted for the proposed works as set out in this application, the Enforcement Notice would cease to have effect, and the planning breach would be rectified.

### **B. Design and Character**

- 9.7 Policy 53 of the adopted Waltham Forest Local (2024) seeks to ensure developments enhance local character in relation to the architectural integrity of the existing building and the surrounding area. Policy 72 also seeks for development within the conservation areas to enhance or conserve the character of the area.
- 9.8 The application site falls within Chingford Station Road Conservation Area. The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when dealing with planning applications. The Council's Conservation Officer stated that the outbuilding is located at the rear of the site which makes no contribution to the character of the conservation area. The proposals, to reduce the height and replace the roof would similarly not have any impact on the perceived character of the conservation area. When assessing development in Conservation Area, there would be an assessment on whether the development would enhance the character, have a harmful impact or have a neutral impact, and in this instance Planning Officers conclude that there would be a neutral impact. It is a common feature to have outbuildings to the rear of residential dwelling properties.
- 9.9 It was noted from site visit and submitted plans that the existing outbuilding has a dual-pitched roof with a maximum height of 4.7m and an eaves height of 3.14m when measured from the front (i.e. from the ground level of the rear garden). When measured from the rear (i.e. from the ground level of Arabia Close) the maximum height of the outbuilding is 3.85m with an eaves height of 2.4m.
- 9.10 The pitched roof would be removed and replaced by a flat green (sedum) roof with a height of 3.35m when measured from the front, and 2.5m when measured from the rear – the later being measurements taken from the adjacent land. The external wall of the outbuilding would remain as existing, with sand cement render at the lower part and red bricks above. New white uPVC fascia board/cladding would be placed on the upper part.
- 9.11 The proposed works would effectively reduce the overall height of the subject outbuilding, with a green roof to soften its appearance and

overall bulk. The overall design, materials and external finishes of the proposal would be acceptable within the context of the rear garden, and when viewed from Arabia Close

- 9.12 Most of the properties along Mornington Road feature detached outbuildings at the back of the garden, with a garage door fronting Arabia Close. The subject outbuilding with the proposed alterations would share a similar height, scale and appearance as the outbuildings in the surrounding area, therefore the proposal would be acceptable within the evolving character and the established development pattern of the area.

In light of the above, the proposal, by virtue of its reduced height, design and matching materials, would be in accordance with Policies 53 and 72 of the adopted Shaping the Borough – London Borough Waltham Forest Local Plan (2024).

### **C. Impact on Neighbouring Amenity**

- 9.13 Policy 57 of the adopted Local Plan seeks to manage the impact of new development on neighbouring amenity to ensure that there would be no undue negative impact in terms of loss daylight/sunlight, loss of outlook, overshadowing and loss of privacy
- 9.14 Nos.82 and 80a are the adjacent properties located on the north-western and south-eastern side of the application site which also benefit from an outbuilding at the far end of their rear gardens. The subject outbuilding shares a similar depth as the outbuildings of Nos.82 and 80a, setting away 1m and 0.42m from shared boundaries from both sides.
- 9.15 Furthermore, with the proposed reduction of height, the subject outbuilding would be 0.9m lower than No.80a's outbuilding and share a similar height as No.82's outbuilding.
- 9.16 The use of the outbuilding as a garden room and garage also do not raise significant concern in terms of noise impact.
- 9.17 The outbuilding also sets at least 13m away from the properties on the adjacent side of Arabia Close, separated by the public highway.

The Inspector concluded that the larger structure would not result in an unacceptable erosion in levels of outlook previously enjoyed by occupiers of adjoining residential properties and no unacceptable harm to their living conditions. Overall, given the reasonable height, sufficient separation from the proposed outbuilding to the neighbouring properties and the absence of fenestration to the side elevations, the proposal would not have significant amenity impacts on the neighbouring properties in terms of daylight/sunlight, outlook and privacy. The development is considered acceptable and accords with Policy 57 of the adopted Local Plan (2024).

### **D. Highways**

- 9.18 Policy 66 of the adopted Local Plan (2024) seeks to effectively manage parking and to ensure the provision of safe and attractive parking

facilities by encouraging car-free and car-capped development in locations that are highly accessible by public transport.

- 9.19 The subject site is not located within a Controlled Parking Zone. It is noted from site visit that on-street parking is available along Mornington Road and Arabia Close.
- 9.20 Whilst the outbuilding would have a garage door facing Arabia Close, the actual use of the garage for vehicles to enter or leave the site would be subject whether any rights of way exist to pass over the land adjacent to the application site, as currently the land is unregistered with no ownership. It has been noted that this strip of land is also used for parking, however, whether there are any rights for this use, is also a separate matter. The legal position of this land relating to who has right of way or ownership does not fall within the planning remit, nor is it a relevant material planning consideration, and is a matter that would need to be dealt with under other relevant legislation.
- 9.21 Nonetheless, if the outbuilding were to accommodate a parked vehicle, there is no particular highway works that would be required for this purpose to allow for vehicles pass over the unregistered land onto the public road. The arrangement is similar to the surrounding properties along Mornington Road.
- 9.22 As the strip of land adjoining the application site, is not public highway and there is no legal evidence to show this land can be used as public highway to park vehicles, an assessment of whether the use of the garage has implications on current parking arrangement or loss of parking is not relevant consideration.
- 9.23 The Council's Highways Officers were consulted and no objection was raised as the development has no implication for the public highway in terms of any existing formal parking arrangement or traffic flow.
- 9.24 In light of the above, the proposal is not considered to have any implication on public highway and would be in compliance with Policy 66 of the adopted Local Plan (2024)..

## **10 CONCLUSION**

- 10.1 Following the above assessment, it is considered that the proposal would not harm the character and appearance of the property, the streetscene, conservation area nor the residential amenity of the neighbouring properties. No unreasonable impact on parking would be incurred. As such the development complies with Policies 53, 57, 66 and 72 of the adopted Local Plan - Shaping the Borough – London Borough Waltham Forest Local Plan (2024).
- 10.2 It is recommended that planning permission be granted subject to conditions and informatives.

## 11 ADDITIONAL CONSIDERATIONS

### Public Sector Equality Duty

- 10.1 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 and informatives:

### Conditions

1. The development hereby permitted shall begin not later than the expiration of **six months** 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). The interest of enhancing the character of the area in accordance with Policies 53 and 72 of the adopted Waltham Forest Local Plan - Shaping the Borough – London Borough Waltham Forest Local Plan (2024).

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

- 0754-03-0100, dated 24.05.23
- 0754-03-0150, dated 24.05.23
- 0754-03-0250, Rev 01, dated 15.06.23
- 0754-03-0200, dated 24.05.23
- Flood map, dated 15 Jun 2023
- Heritage Statement, dated 15th June 2023
- Full title plan, dated 24 May 2023
- Title plan (block plan), dated 24 May 2023
- Planning Statement, dated 24th May 2023
- Reasonable Exemption Statement (Fire safety), undated

**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 and dimensions of the development hereby permitted shall match those shown on the drawing 0754-03-0250, Rev 01, dated 15.06.23 and shall thereafter be retained as such for the lifetime of the development.

**Reason:** To safeguard and enhance the visual amenities of the locality, in accordance with Policy 53 of the adopted Waltham Forest Local Plan - Shaping the Borough – London Borough Waltham Forest Local Plan (2024).

4. The roof area of the development hereby approved shall not be used as a balcony, roof garden or sitting out area at any time.

**Reason:** To preserve the privacy and amenities of the adjacent property occupiers, in accordance with Policy 57 of the adopted Waltham Forest Local Plan - Shaping the Borough – London Borough 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. 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.

4. You are reminded, that whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the overhang of the roof profile, would encroach on, under or over adjoining land.

5. This decision **does not override the legal ownership rights** of any neighbours, or convey permission for any part of the development, including walls, guttering and eaves, to encroach on, under or over adjoining land. Furthermore, this permission does not convey any permission that may be required under the Party Wall Act.