

**LONDON BOROUGH OF WALTHAM FOREST**

Committee/Date:	Planning – 02 <sup>nd</sup> April 2024
Application reference:	233078
Applicant:	Mr Shahid Valli
Location:	7 Burghley Road, Leytonstone, London, E11 4QP
Proposed development:	Construction of single storey wraparound rear extension and installation of external wall insulation to the existing first floor rear outrigger. Replacement window at ground floor level (amended description).
Wards affected:	Leytonstone
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 the applicant being related to employees of the Council.

**3 SITE AND SURROUNDINGS**

- 3.1 The application site relates to a two-storey, terraced property which is situated along the southern side of Burghley Road. The application site is not located within a Conservation Area and is not subject to any other relevant restrictions, other than being located within an Archaeological Priority Zone and subject to a Borough-wide Article 4 direction relating to the change of use from Use Class C3 (dwellinghouse) to C4 (small HMO).
- 3.2 The surrounding area is residential in nature, located on a road leading off High Road Leytonstone where commercial properties are located, comprising predominantly two/three storey terraced properties.

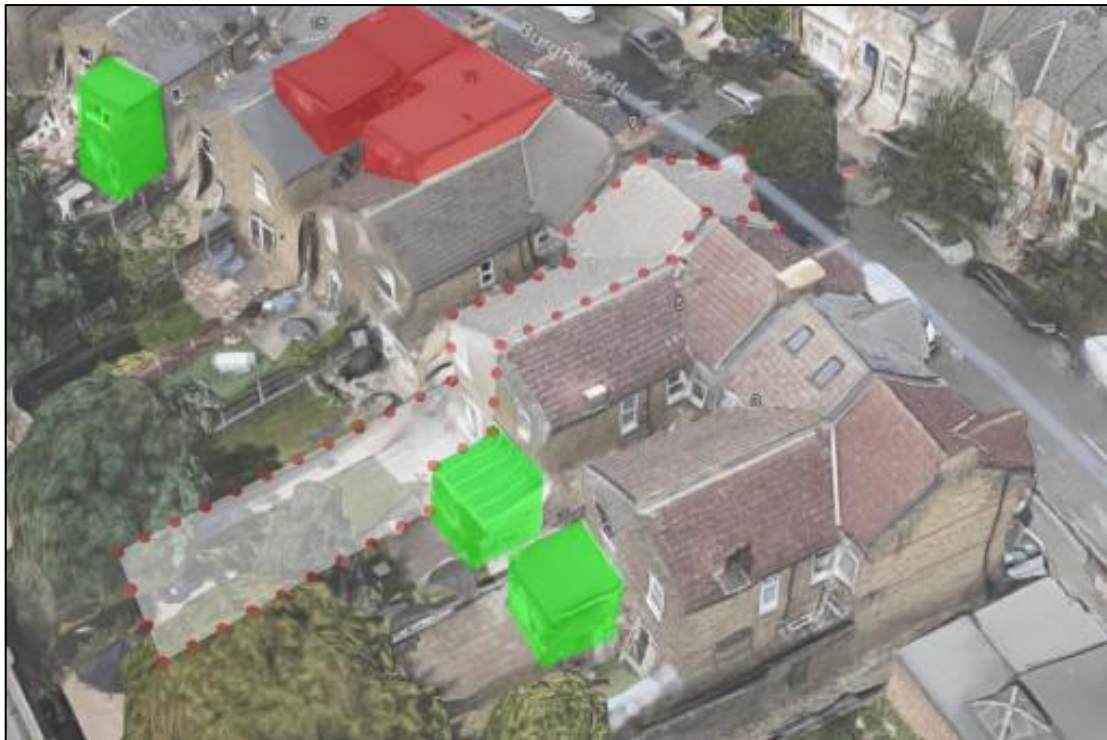
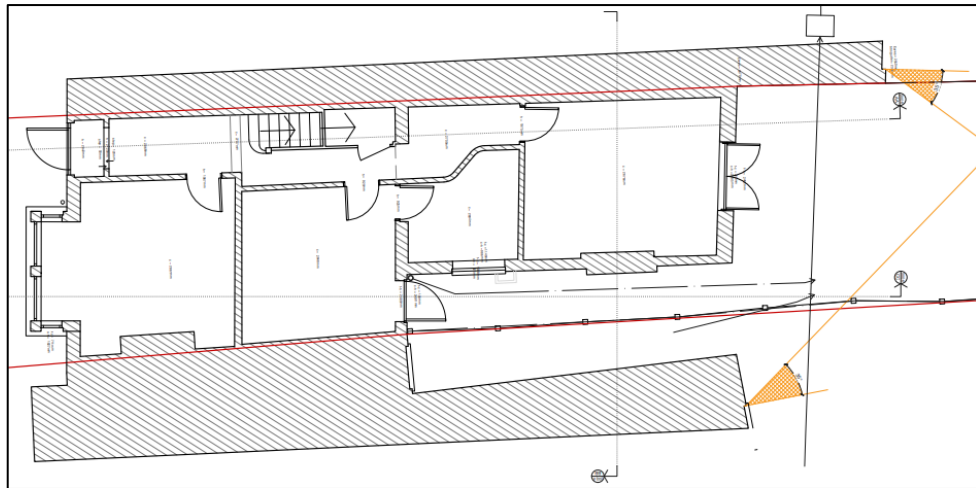


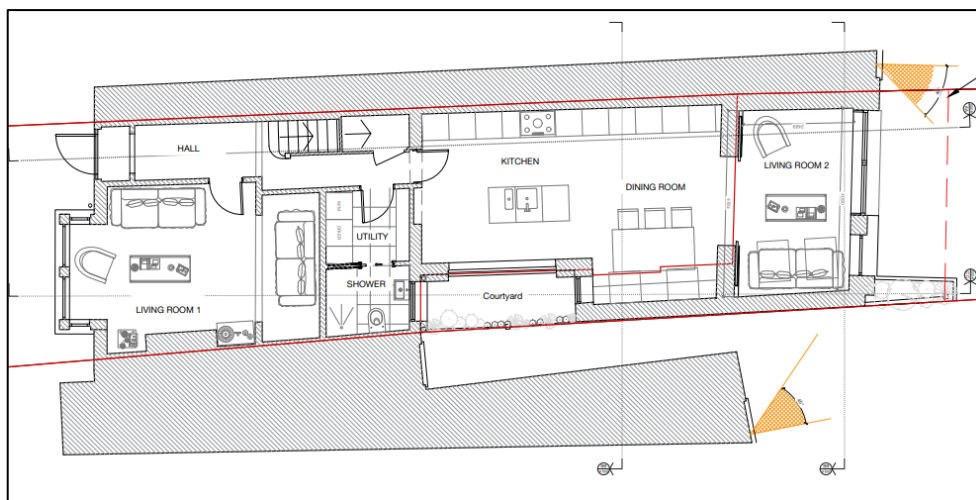
Figure 1: Site location and unregistered land.

#### 4 APPLICATION PROPOSAL

- 4.1 The proposal relates to the construction of a single storey wraparound rear extension and installation of external wall insulation to the existing first floor rear outrigger.
- 4.2 The proposed extension would have a depth of 3.2 metres beyond the two-storey rear outrigger and an overall depth of 6.7 metres along the shared boundary with no. 9 Burghley Road. As part of the proposal a courtyard would be maintained beyond the main rear wall of the host dwelling, with a depth of 3.3 metres.
- 4.3 Plans showing the existing and proposed ground floor layouts.

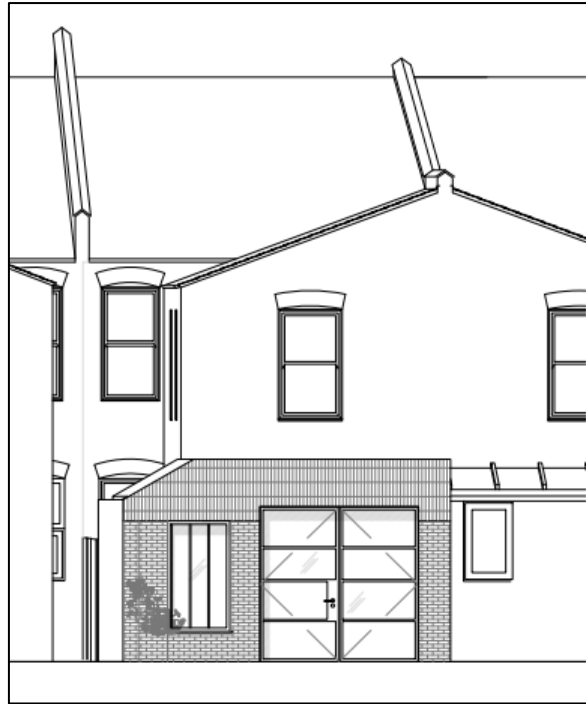


Existing Floorplan



Proposed Floorplan

- 4.4 The roof of the extension would be part-pitched to the side element with an eaves height of 2.4 metres and part-flat to the rear element with a height of 3 metres. The extension would feature brick and render and as part of the proposal the original outrigger would have external insulation with a rendered finish.
- 4.5 The proposal would also include the replacement of an existing side window that serves the kitchen, to enlarge the opening and provide full height glazed panels.



Proposed Rear elevation

- 4.6 The proposal has been amended during the lifetime of the application to reduce the depth of the extension beyond the outrigger to 3.2 metres compared with 4.3 metres as originally proposed.

## **5 RELEVANT SITE HISTORY**

(A) Planning

- 5.1 Reference: 231521

Decision: Refused on 12/09/2023

Description: Construction of a single storey rear wraparound extension at ground floor level and installation of external wall insulation to the existing rear outrigger. Replacement window and door at ground floor level.

- 5.2 Reference: 193772

Decision: Approved with conditions and informatives on 21/02/2020 (decided at committee)

Description: Erection of a single storey rear and side infill extension at ground floor level.

- 5.3 Reference: 163841

Decision: Prior approval required and approved on 04/01/2017

Description: Prior approval for the construction of a single storey rear extension which would extend 6m beyond the rear wall of the existing dwelling, a maximum height of 4m, and an eaves height of 3m.

5.4 Reference: 163324

Decision: Prior approval required and refused on 22/11/2016

Description: Prior Approval - Larger Homes

(B) Pre-Application

5.5 Reference: 192289

Decision: Advice issued on 25/07/2019

Description: Side and rear extension.

5.6 Reference: 182692

Decision: Advice issued on 17/09/2018

Description: Side and rear extension.

(C) Enforcement

5.7 No planning enforcement history.

(D) Adjacent Site

5.8 No relevant planning history.

## **6 PUBLIC CONSULTATIONS**

### **6.1 Public Consultation**

6.2 The Council circulated 5 consultation letters to local residents on the 04/01/24, as follows:

- 5 Burghley Road, Leytonstone, London, E11 4QP
- 9 Burghley Road, Leytonstone, London, E11 4QP
- Ground Floor Flat 1, 9 Burghley Road, Leytonstone, London, E11 4QP
- First Floor Flat 2, 9 Burghley Road, Leytonstone, London, E11 4QP
- 789 - 791 High Road Leytonstone, Leytonstone, London, E11 4QS

6.3 The Council received no response as a result of neighbouring consultation.

6.4 No re-consultation was carried out on the amended scheme as the proposed extension was reduced in depth.

## **6.5 Statutory Consultation**

6.6 No statutory consultations were required.

## **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:

- D1: London’s form, character and capacity for growth
- D4: Delivering good design
- HC1: Heritage, Conservation, and Growth

### Shaping the Borough – London Borough Waltham Forest Local Plan LP1 (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 Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and

Development Management Policies (2013) are superseded by LP1. The relevant policies are:

- Policy 53 - Delivering High Quality Design
- Policy 57 - Amenity
- Policy 73 - Archaeological Assets and Archaeological Priority Areas
- Policy 87 - Sustainable Design and Construction

## **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;

### 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. Design and Character

B. Impact on Neighbouring Amenity

C. Impact on Archaeology

### **A. Design and Character**

9.2 Policy 53 of the adopted Local Plan seeks to ensure developments enhance local character in relation to the architectural integrity of the existing building and the surrounding area.

9.3 Policy 87 sets out that use of sustainable construction methods and building materials in addition to measures to increase resource efficiency will be supported.

9.4 It has been noted that there are other examples of single storey rear extensions along the southern side of Burghley Road, notably the neighbouring property at no. 5 Burghley Road which benefits from a single storey rear extension beyond the two-storey rear outrigger. It is therefore considered that the proposed extension would respect the character of the surrounding area.

9.5 Moreover, by virtue of overall size, pitched roof profile to the side and design, it is considered that the proposed extension would appear as a harmonious and subordinate addition to the host property and would not dominate the rear garden.

9.6 The proposed external wall insulation to the first-floor of the two-storey outrigger would be a traditional lime-based render, which is considered to appear complimentary to the materials of the existing property and the proposed extension. The introduction of insulation is supported to improve the energy efficiency of the property.

9.7 Taking all of the above into account it is considered that the proposed extension would constitute an appropriate addition that would be in keeping with the character of the host property as well as the surrounding area, in compliance with Policy 53 and 87.

### **B. Impact on Neighbouring Amenity**

9.8 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.



Photo showing rear of proposal property, No. 5 with the rear extension and No.9

(i) Neighbouring Property 5 Burghley Road:

- 9.9 The neighbouring property at no. 5 Burghley Road benefits from a single storey rear extension with a depth of approximately 3 metres. The proposed extension would align with this extension, therefore it is not considered that the proposal would create any adverse impact to neighbouring amenity in terms of appearing overbearing or creating any significant levels of loss of light or outlook.

(ii) Neighbouring Property 9 Burghley Road:

- 9.10 The proposed extension would have a total depth of 6.7 metres along the shared boundary with no. 9 and would feature an eaves height of 2.4 metres along the boundary. There would be a courtyard retained beyond the main part of the dwelling with a depth of 3.3 metres.
- 9.11 The neighbouring property at no. 9 Burghley Road does not feature any rear extensions. It was noted on site that the neighbouring property features a ground floor window to the rear of the main part of the dwelling, as well as to the rear of the outrigger and a door to the ground floor side elevation. Given the appropriate depth of the extension beyond the outrigger and that the eaves height of the extension along the boundary would come to 2.4 metres it is not considered that the extension would unduly impact upon neighbouring amenity at no. 9 in

terms of appearing overbearing or creating significant levels of loss of light or outlook.

- 9.12 Moreover, it is not considered that the proposed render or alterations to the ground floor fenestration would negatively impact neighbouring amenity.
- 9.13 Taking all of the above into account it is considered that the proposal would be in compliance with Policy 57.

### **C. Impact on Archaeology**

- 9.14 Policy 73 of the adopted Local Plan sets out the mitigation measures which must be taken for developments which would affect Archaeological Priority Areas.
- 9.15 The application site is located within an Archaeological Priority Area, however due to the scale of the proposal it is not considered that it would harm the archaeological heritage of the borough, in compliance with Policy 73.

## **10 CONCLUSION**

- 10.1 In conclusion, it is considered that the proposal would not harm the character and appearance of the host property or the surrounding area, create adverse impact to neighbouring amenity or have a harmful impact to the Archaeological Priority Area. As such the proposed development complies with Policies 53, 57, 73 and 87 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 three years from the date of this permission.

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

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

- Site Location Plan
- 118\_BUR\_3-X-01-01 revision P01, 118\_BUR\_3-X-01-03 revision P01, 118\_BUR\_3-X-01-04 revision P01, 118\_BUR\_3-X-01-05 revision P01, 118\_BUR\_3-X-2-01 revision P01, 118\_BUR\_3-X-2-02 revision P01, 118\_BUR\_3-X-3-01 (existing front elevation) revision P01, 118\_BUR\_3-X-3-01 (existing rear elevation) revision P01 and 118\_BUR\_3-X-3-02 revision P01 dated 20/04/23
- 118\_BUR\_3-P-2-02 Revision P03 and 118\_BUR\_3-P-3-01 Revision P03 dated 21/11/23
- 118\_BUR\_3-P-1-13 revision P04, 118\_BUR\_3-P-1-14 revision P04, 118\_BUR\_3-P-1-15 revision P04, 118\_BUR\_3-P-2-01 revision P04, 118\_BUR\_3-P-3-01 (proposed rear elevation) revision P04 and 118\_BUR\_3-P-3-02 revision P04 dated 16/02/24

**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 drawing nos. 118\_BUR\_3-P-3-01 revision P04 and 118\_BUR\_3-P-3-02 revision P04 dated 16/02/24 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.