

## LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 11 <sup>th</sup> October 2022
Application reference:	220818
Applicant:	Mr. Daniel
Location:	36 Whitehall Gardens, Chingford, London, E4 6EH
Proposed development:	Construction of single storey rear and side extension
Wards affected:	Chingford Green
Appendices:	None

### 1 RECOMMENDATION

- 1.1 Recommendation to GRANT planning permission subject to conditions.

### 2 REASONS REFERRED TO COMMITTEE

- 2.1 The applicant's wife is a Council employee.

### 3 SITE AND SURROUNDINGS

- 3.1 The application site comprises of a two-storey end of terrace residential property located on the northern side of Whitehall Gardens, Chingford.
- 3.2 It is a brick-built building with an enclosed tiled canopy front porch, with painted brick finish at ground floor and white render above. It also has an attached garage on the flank elevation.
- 3.3 The property has been extended with a roof extension, comprising of a rear dormer window, and three rooflights inserted on the front roof plane.
- 3.4 The property has an original single storey rear projection that extends the width of its rear elevation that is characteristic of properties on this terrace, with a depth of 920mm. Along the western section to this rear section is a part single storey rear extension that has been constructed with a depth of 3.66m, comprising of a sloping roof with a height of 3.9m at the ridge and 2.85m at the eaves. This extension lies on the boundary with the neighbouring property No. 35 Whitehall Gardens. No. 35 remains in its original form with no extensions.
- 3.5 The neighbouring property, No. 38 Whitehall Gardens is set 5.5 metres away from the application site, and both properties have garages with a 2 metre fence separating them. No.38 has been extended behind the existing garage with a wrap-around extension, which projects 3.5m metres beyond the original building line of house.
- 3.6 The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction.
- 3.7



(Above) The existing part single storey rear extension at No.36 that has a depth of 3.66m which lies on the boundary with the neighbouring property No. 35 Whitehall Gardens

#### **4 APPLICATION PROPOSAL**

- 4.1 The application seeks permission for the construction of single storey rear and side extension at ground floor level at 36 Whitehall Gardens.
- 4.2 The proposed scheme would remove the property's existing single storey part rear extension and its garage located on its north-eastern flank and replace this with an extension that would wrap around its side and rear to form a single storey rear and side extension.
- 4.3 The side element of the scheme would extend from the property's front elevation along its north-eastern flank by 11.09m and then would dip inwards away from its north-eastern boundary by 748mm before extending by 7.78m across the rest of the width of the property.

The extension would be a blockwork construction with a cream render finish along with a pitched tiled roof, with a height of 3.9m adjoining the main dwelling, and an eaves height of 2.78m. The rear element of the extension would have two rooflights along with double-glazed bi-folding doors and a window on its rear elevation.

- 4.4 A window is also proposed in the side elevation of the side extension that would provide light into a ground floor WC.
- 4.5 Minor amendments to the depth of the side element of the extension were sought to mitigate impact on the amenity of the neighbouring property at No. 38 Whitehall Gardens.

## **5 RELEVANT SITE HISTORY**

### **A. Planning**

5.1 071206 - Construction of a single storey rear extension - Approved 18/04/2007

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

5.2 No pre-application meeting was held with Council in respect to this application.

### **C. Enforcement**

5.3 No enforcement investigations or notices are recorded against this property.

### **D. Adjacent Sites**

#### **38 Whitehall Gardens**

5.4 **193316** – Construction of single storey rear extension - Approved 14/01/2020

5.5 **201737** – Variation of condition 2 (Approved Plans) in relation to application reference 193316, granted 14/01/2020. – Approved 07/08/2020. The application sought to amend the approved roof design for the rear extension approved in 193316 from a pitched roof to a flat roof with lantern.

## **6 PUBLIC CONSULTATIONS**

6.1 The application was put out for public consultation on 26<sup>th</sup> May 2022. The following properties have been consulted:

- 35 Whitehall Gardens, E4 6EH
- 38 Whitehall Gardens, E4 6EH
- 96 Whitehall Gardens, E4 6EJ
- Scouts Hut, 40a Whitehall Gardens, E4 6EH
- 42a Whitehall Gardens, E4 6EH

6.2 The Council did not receive any objections as a result of the public consultation.

## **7. DEVELOPMENT PLAN**

### National Planning Policy Framework (2021)

7.1 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.

7.2 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".

- 7.3 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'
- 7.4 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Achieve well-designed places

#### The London Plan 2021

- 7.5 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 policies relevant to this application are:
- D1 London's form, character and capacity for growth
  - D4 Delivering good design

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

- 7.6 The Waltham Forest Core Strategy (2012) was adopted on 1st March 2012.
- 7.7 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.
- 7.8 The policies considered relevant to this application are as follows:
- CS13: Promoting Health and Well-Being
  - CS15: Well Designed Buildings, Places and Spaces

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

- 7.9 The Local Plan Development Management Policies Document was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:
- DM4 - Residential Extensions and Alterations
  - DM29 - Design Principles, Standards and Local Distinctiveness
  - DM32 - Managing Impact of Development on Occupiers and Neighbours

## **8. MATERIAL PLANNING CONSIDERATIONS**

### Other policies

- Residential Extensions and Alterations SPD (2010)

### Emerging Policy

### Shaping the Borough – London Borough Waltham Forest Draft Local Plan – Part One Strategic Policies Submission Draft (April 2021)

- 8.1 The Draft Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed Submission Version between 26th October 2020 and 14th December 2020. It has now been submitted to the Secretary of State for examination. This is an early stage of the plan making process and less weight will be given to its policies.
- 8.2 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.
- 8.3 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). The relevant policies are:
- Policy 59 Amenity
  - Policy 62 - Delivering High-Quality Design

### Local Finance Considerations

- 8.4 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 but does expect to receive income from LBWF CIL in relation to this development.
  - iii) The Council has not received but does expect to receive 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. Neighbour Amenity

**A. Design and Character**

- 9.2 London Plan Policy D4 states that new development should respect the character and existing grain of the area and follow good design principles. Section 12 of the NPPF (2021) requires good design within developments which should be of a high quality and design due to the contribution towards making better places for people. Policy CS15 of the Local Plan seeks to ensure the highest quality architecture and urban design that respond to local context and character. Policy DM29 in the Local Plan requires that all development should have a high standard of design that reinforces and/or enhances local character and distinctiveness, urban form, massing and detailing.
- 9.3 The proposed extension's side element would be visible from the street scene, comprising of a change from the existing garage building and its traditional timber garage door, to a pitched roof extension in a render finish with a window on its front elevation to match the others on the front of the property. Although it would be highly visible, at its proposed proportions, height and with the proposed roof profile, the side element of the extension would largely mirror the adjacent garage in these respects, located at 38 Whitehall Gardens.
- 9.4 The structure, at the height, width and length proposed, would be considered proportionate to the existing side and rear arrangements at adjacent properties and the area as a whole. The rear element of the scheme would not project any further in depth than the existing single storey part rear extension at the property, and would maintain the same height, profile and pitch of the existing structure. This would help to respect the established general urban grain and pattern of development in the area.
- 9.5 Given the proposed proportions of the development alongside the proportions of the existing buildings and extensions, and the matching materials as proposed, the scheme would be considered subservient to the existing property and would not be out of keeping with the surrounding area.
- 9.6 The scheme is considered to accord with policies CS15, DM4 and DM29 of the LBWF Local Plan, and policies D1 and D4 of the London Plan.

**B. Neighbour Amenity**

- 9.7 Policies DM4 and DM32 seek to maintain the amenity of occupiers of adjoining properties in terms of daylight/sunlight, outlook and privacy. The Council will only find development acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers of the development.

35 Whitehall Gardens

- 9.8 Due to the location of the proposed rear element of the extension, being to the same depth, height and profile as the existing extension on this neighbour's boundary, and with no windows on its side elevation, the extension would not be considered to incur any loss of light, privacy or outlook to the neighbouring property at 35 Whitehall Gardens.

38 Whitehall Gardens

- 9.9 The proposed side element of the structure would project to initially match the neighbouring extension depth, and then is set away from the boundary by 152mm, with a slightly further projection of 260mm. Given this relationship, between the proposed extension and the boundary at this neighbouring property would serve to avoid any loss of light, privacy or outlook to this property from the development.
- 9.10 There is a WC window proposed on the flank elevation of the side extension which would face an existing 2m high boundary fence that separates the subject application site and the neighbouring property No 38 Whitehall Gardens. Whilst this window would be partially obscured by the fence, to further protect the amenities of the site occupiers and neighbouring occupiers a condition would be applied to the forthcoming consent requiring that this window be in obscured glazing.
- 9.11 The proposal is considered to comply with policies DM4 and DM32 of the LBWF Local Plan.

## **10. CONCLUSION**

- 10.1 Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be acceptable in principle.
- 10.2 The proposal would be of good quality design and materials and, would have an acceptable impact on the character and appearance of the application site, the street scene and the wider locality.
- 10.3 The proposed development is not considered to have an adverse impact on the amenities of neighbouring occupiers, in terms of loss of light and privacy, nor result in any form of overshadowing or loss of outlook.

## **11. ADDITIONAL CONSIDERATIONS**

### Public Sector Equality Duty

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

- 11.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balance against other relevant factors.
- 11.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

### Human Rights

- 11.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.
- 11.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.
- 11.7 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.

## **12. RECOMMENDATION**

- 12.1 The Planning Committee is requested to resolve that planning permission be granted subject to the following conditions.

### 12.2 Conditions and Reasons:

- 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).

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: DAN.JUL.21G Page 1 of 2, received 12<sup>th</sup> September 2022, DAN.JUL.21H 2 of 2 received 27<sup>th</sup> September 2022 and OS Map dated 28<sup>th</sup> July 2021.

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



2. The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent work with regards to the methods used and to material, colour, texture and profile, unless the prior written approval of the Local Planning Authority is obtained to any variation, or except where otherwise stated on the approved drawings.

**Reason:** To safeguard the visual amenities of the area, in accordance with Policy CS15 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM4 and DM29 of the Waltham Forest Local Plan – Development Management Policies (2013).

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and/or re-enacting that Order, no additional windows shall be inserted in the elevations of the single storey rear and side extension at ground floor level hereby permitted without the prior written approval of the Local Planning Authority.

**Reason:** To safeguard the residential amenities of the occupiers of the scheme property in accordance with Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM29 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013), and Supplementary Planning Documents Urban Design (2010), Residential Extensions, Alterations (2010).

4. The proposed window on a flank elevation of the side extension element of the extension hereby approved shall be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

**Reason:** To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining property, in accordance with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM4, DM29 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

### 12.3 Informatives:

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 was submitted in accordance with guidance and the decision was delivered in a timely manner

2. Other Regulations: Building Control

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. Other Regulations

(Item 4.3)

This notice is without prejudice to your responsibilities under any other legislation.