



# 32 New Road

Whitechapel

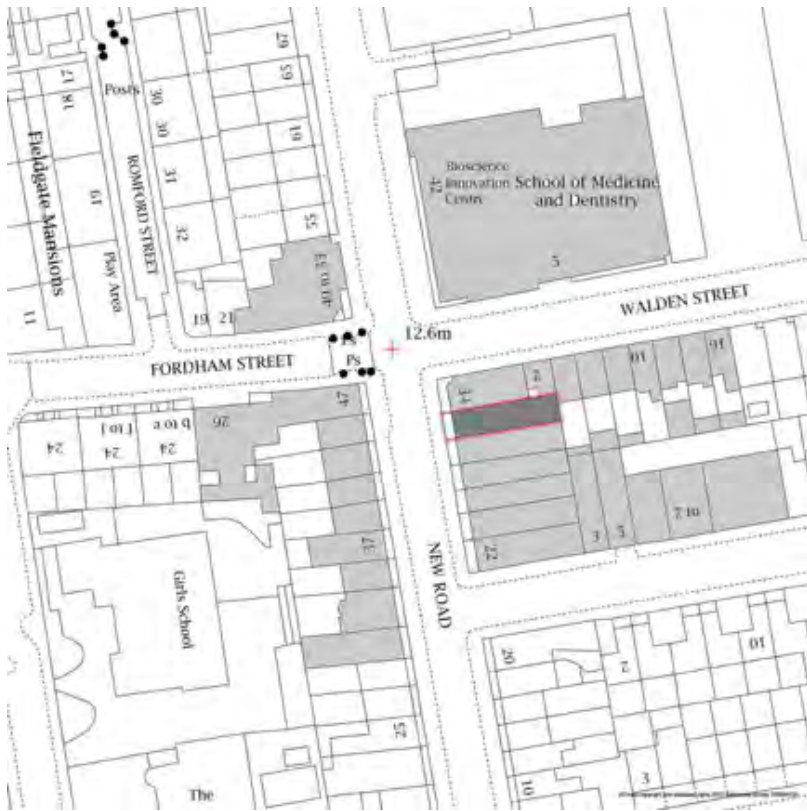
London

E1 2AX

Design and Access Statement

Non Material Amendment  
Application

6 April 2021



*Location of 32 New Road London E1 2AX*



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## Design and Access Statement – Non material Amendment Planning PA/20/01449

### **The application**

This planning application is on behalf of the applicant S. Jain for an alteration to the current Conditional Approval of Planning Permission of September 2020 that allowed change of use from mixed commercial to two units in residential use.

This application is accompanied by a new Listed Building Consent application that is an amended version of approved Listed Building Consent PA/20/01450.

### **Summary: alteration to the approved scheme**

This application seeks to amend the ground floor and basement levels to take into account existing floor levels that rise up to the existing workshop area to the rear of the property. This is due to site investigations carried out subsequently to the approval, that have revealed shallow drainage runs that are also shared with adjoining properties, and the applicant wishes to reduce the amount of excavation in the rear area.

The mix of uses and areas of accommodation are unchanged compared to the approved layout. The extent of excavation is reduced at basement level. This entails revising the steps within the building at ground and basement levels and raising the terrace above ground floor to allow for the approved ceiling height in the

basement extension. A section of the existing workshop will be retained to form the studio space and passage.

Overall, this revised proposal has less impact on the existing structures than the approved scheme.

### **Consultation prior to submission**

Draft mark-up drawings were issued to the Planning Department and confirmation was received setting out the requirement for the Non Material Amendment application for the revision to this part of the approved scheme, and the need for a fresh Listed Building Consent application. (AG 9/03/21)

Comments were received from the conservation officer:

“I am happy that the proposed amendments to the existing scheme will not impact the heritage significance of the listed building detrimentally, being largely contained within the later workshop to the rear of the building. I appreciate that the terrace will have a greater visible impact as it will be higher than proposed and that the boundary will need to be detailed to protect the privacy of the basement flat. Details of what is intended should be included with the new application. With regard to excavation under the main house it will be helpful to understand what structural works are required.” (VL 22/3/21)

## **Update to the approved DAS**

The approved DAS is attached for reference the amendments relevant to this Non Material Amendment Application are as follows:

**1 Introduction:** the Scheme was approved as described, on 3 September 2020

**2 Description:** all as described unchanged, except the building is still vacant and subject to graffiti.

**3 Background history summary, designation and recent planning applications:** all as before including the on-going enforcement (which will be resolved on the implementation of the approved works)

Update: Planning PA/20/01449 and Listed Building Consent PA/20/01450 3 Sept 2020. Approvals included in an appendix B.

**4. Community Consultation:** As before, there is local support of residential use, and conversion works as soon as possible would be welcomed.

**5 Design development and feedback:** The Pre-App feedback had been incorporated in the approved design. The feedback was received from the conservation officer on the current application prior to submission (above).

**6. Application scheme:** as before the applicant intends to implement the two-unit scheme.

**7. Design Standards:** The design and space standards are unchanged and as the approved scheme

## **8. Proposal: (page 6)**

**Demolition:** The Section 73 application proposes retention of the rear three metres of the workshop and a segment that forms a linking passage. (See basement plan and cross section) the retained part contains the remains of a long (now blocked) rooflight. This would be trimmed to form the upstand for a proposed flat, frameless, glazed rooflight. (See also photos in the Heritage Statement.)

**Basement layout:** the room layout is unchanged; steps would be added to the rise up from the main house to the height of the existing workshop level.

**Upper floor layout:** the room layout is unchanged; however, the Section 73 scheme includes steps at ground floor (within kitchen, at threshold and outside to rise to the level of the proposed terrace. (The approved scheme was level access.) In order to mitigate the sense of enclosure in the kitchen, the proposed parapet wall is at the height of the retained roof and this is the same height as the approved scheme. In order to provide a guarding in the current application a metal railing is shown to 1.1m high.

### **Exterior**

Studio roof and link would be flat, insulated and asphalted as the existing, and flashed in code 5 lead.

The remaining parts of the DAS as previously submitted in June 2020.



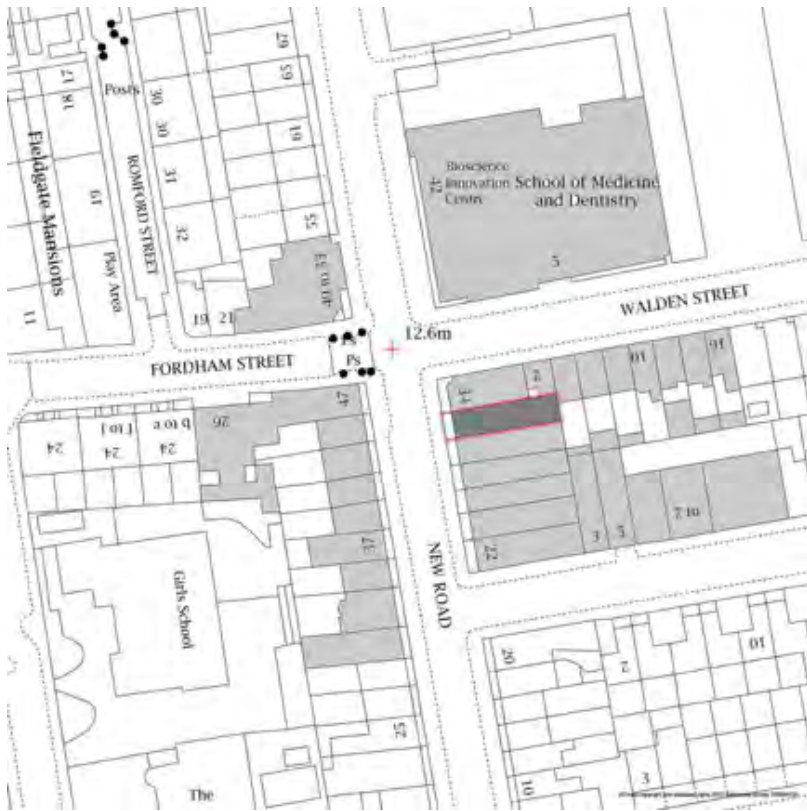


# 32 New Road

Whitechapel  
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## Design and Access Statement

June 2020



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# Design and Access Statement

## 1 Introduction

32 New Road is a listed terraced building in Whitechapel in east London in the London Borough of Tower Hamlets. It has been vacant since the autumn of 2019. Although initially built as a four-storey house and garden in 1812, it became a building in mixed commercial use. The existing floor space is approximately 177m<sup>2</sup> (gross internal area, including the rear workshop). The site area is around 99 m<sup>2</sup>.

The owner and applicant S. Jain has regained control of the building (which had been sub-let) and is applying for change of use to residential. The scheme is for subdivision to create an upper floor maisonette on three floors and a basement flat.

Mr Sunil Jain instructed Nicola de Quincey architecture and conservation to prepare this application for planning and listed building consent.

A commercial appraisal is also submitted, prepared by Omar Beg of McBryer Beg.

The priority and benefits of this scheme are:

- 1) change of use to residential, from commercial; residential use was the original purpose of the building.
- 2) alteration for residential use that offers conservation benefits to the listed building, e.g. unblocking the ground floor window, reinstating the staircase in its original position, and re-creating the original layout.
- 3) restoration of the front elevation, by removing security grilles, roller shutters and graffiti, and restoring the 'ashlared' marked render.

This would:

- 1) address conservation concerns regarding the listed building and its very poor appearance in the Myrdle Street Conservation Area.
- 2) be consistent with the trend in the general area of returning buildings in failing commercial use to their original residential use.
- 3) address anti-social behaviour that has targeted this building.

## 2 Site description

The site consists of a four-storey house (built 1812) and a rear garden that has been completely roofed over. This roofed part is made up of a workshop and a lean-to roof that connects the house to the workshop. The space has been amalgamated into one space. The precise date of the workshop is not known but it is similar to the workshop areas behind 28 and 30 New Road and was probably originally built around 1900. Evidence from Ordnance Survey maps suggests that the back workshop was rebuilt or extended after 1963.

The front elevation is set back from the pavement. Iron railings protect the front basement area. Roller shutters and a grille have been inserted in the basement window. (These are part of an Enforcement Notice.)

## 3 Background history summary, designation and recent planning applications

### i) History summary:

The original house was built in 1812 on a lease from the London Hospital as one of three properties now numbered 28, 30, 32 New Road. Commercial uses infiltrated the houses in New Road from the mid-nineteenth century, and the back gardens were covered over with workshops.

In the twentieth century the interior layout was completely gutted and the staircase was relocated.

Please refer to Heritage Statement for further historical detail and photographs.

### ii) Designation:

The building is Grade II listed, and located in the Myrdle Street Conservation Area and an Archaeological Priority Area (Tier 2) .

### iii) Recent planning applications:

Recent planning applications for change of use have been refused as follows:

PA/16/02676/R Validated: Mon 03 Oct 2016  
Listed Building Consent for internal alterations to create two residential units at first and second floor level (retrospective).  
Wed 23 Nov 2016  
*Refused*

PA/16/00554/R Validated Thu 03 Mar 2016  
Change of Use from B1 to bed and breakfast.  
*Refused*

PA/15/03304/R Validated 26 November 2015  
Application for certificate of lawfulness in respect of proposed change of use from B1 (Office) to C4 Use. (House in Multiple Occupation, 32 New Road, London E1 2AX)  
*Refused*



Lawful uses were defined in this decision notice:

Shop ground floor (A1),  
First and second floor offices (B1)  
Warehouse basement (B8),

#### **iv) Enforcement notice**

An Enforcement Notice was issued in March 2017. In November 2019 the Enforcement Office noted that the remedial works were partially completed. The outstanding items were as follows:

- *Remove the bathrooms from the first and second floors of the Premises, including and all associated fixtures, fittings and waste materials therefrom.*
- *Remove the shower and/or bath from the basement of the Premises, including and all associated fixtures, fittings and waste materials therefrom.*
- *Repaint the principal elevation of the Premises at ground floor and basement level in heritage white (prior to carrying out this requirement, have approved by the Council the exact colour tone, type of paint and the method of repainting).*

Also, items on the front elevation were identified as unauthorized (e.g. the roller shutter) and could be the subject of a further notice.

The applicant's intention is to complete the work to comply with the notice during a single construction phase.

The letter from the Enforcement officer is included as an Appendix to this document.

#### **v) Other specific relevant planning policies are noted:**

a) London Borough of Tower Hamlets. Article 4 Directions:  
There are no permitted development rights for changing from B1 to residential use,  
or changes of use from residential dwellings to small houses in multiple occupation (from Jan 2021),  
or changes of use from shop (A1) to residential (from Jan 2021).

b) London Borough of Tower Hamlets Design Guidance:  
(Para 2a). Rear Extensions  
*Extensions to the rear of residential properties, particularly terrace houses, should normally be single storey, as two storey rear extensions can lead to a loss of privacy or significant overshadowing of neighbours and result in a loss of outlook and light. For these reasons, two storey rear extensions that take up the full width of a residential property will not normally be permitted. Single or two storey extensions with flat roofs will also not normally be permitted as their design can create overlooking, for example if it is intended that the roof be used as a terrace.*

*This guidance is written for general advice. Conservation areas and listed buildings require greater scrutiny by the local authority.*

It should be noted that the proposed terrace is set back some distance from other residential properties in Varden Street and Walden Street, there are no existing rear gardens on the New Road terrace, and there is no access to the flat roofs to the rear of the other properties (28-30 New Road).

#### **4 Community consultation**

There have been informal discussions with local residents, who welcome the proposed change of use. 32 New Road has been subject to prolonged and serious anti-social behaviour problems. Residential use is supported locally as people anticipate that this will be a much better use, and there is a trend towards sustainable residential conversion in the area.

#### **5 Design development and Pre-Application submission feedback**

The applicant was keen to explore alternative residential options. A Pre-App application was submitted in December 2019, and a virtual meeting was held on 30 March 2020.

Feedback from the meeting noted by the team was as follows:

LBTH key comments:

- This project will be conservation-led, and that will be the council's priority.
- LBTH supports the change of use in principle.

- LBTH supports a single dwelling conversion; subdivision would trigger some particular design challenges that would need to be considered carefully.
- LBTH does not support extensions on the rear elevation at ground level and above; they advised that the rear elevation should remain essentially as it is.
- LBTH considers that issues such as daylight, waste, cycle stores, overlooking and amenity space are all impacted by residential conversion and subdivision. Any waivers would be looked on favourably if the extent of subdivision were acceptable.
- LBTH supports the central staircase restoration.
- LBTH confirmed that an EPC is not required; any energy efficiency measures would need to prove that they do not affect the character of the LB, for example secondary glazing is acceptable but double glazing is not acceptable.

Interim works that address Enforcement issues:

- LBTH requested a method statement on removing the basement roller shutter and the graffiti, and tidying up the front elevation, that they could process in advance of the main application.

## 6 Application scheme

Following the Pre-App advice (given at the meeting but not written), the applicant has considered options for a single house or a subdivision at ground floor to provide a maisonette and basement flat. This application is for the latter option, as the applicant considers that two dwellings could provide a better offer in the private rental market.

The applicant intends to carry out all the works in one construction phase, including any outstanding enforcement work.

## 7 Design standards

The scheme aims to provide good accommodation that is as compliant as possible with the contemporary housing standards, while working within the constraints of the existing building and the character of the listed building.

Reference is made to the London Plan Space standards for unit sizes and storage and cycle provision. Please see the accommodation schedule below that shows compliance with the space standards.

32 New Road													
Areas	Existing areas	Existing Use Class			Proposed Use class			London Plan space standards for new build/change of use m2					
existing gross internal areas		A1	B1	B8	C3	1B	3B	1b/1p (1 storey)	1b/2p (1 storey)	2b/3p (1 storey)	3b/5p (3 storey)	Built in storage	
gross internal upper floor	G 33.4	33.4			33.4								
	1 34.8		34.8		34.8								
	2 35.3		35.3		35.3								
gross internal upper floors (inc stairs)	103.5				103.5		1				99	2.5	
basement	73.6			73.6	61.8	1		39	50	61		1.5	
gross internal	177.1				165.3	1	1						
Private external amenity space													
Maisonette proposed terrace	14.9										8		
Basement front area	5.7												
Basement proposed internal courtyard area	8.9								5				
Proposed cycle storage													
Maisonette	2 spaces in central hall understairs							London Plan minimum cycle storage					
Basement	1 lockable space in front area							2 spaces for 2 bed and above 1 space for 1-2 person					
Proposed waste storage													
Maisonette	Waste storage is possible in a (rear) terrace store												
Basement	Waste storage is possible in a front area store												
	<i>Note Waste storage is very constrained by the site. Local residents put out bags on collection day and store waste inside. A strategy needs to be agreed with LBTH.</i>												
site area	99												

## 8 Proposal

Please refer to the drawings for the alterations to the listed building.

Photographs of the existing interior are within the Heritage Statement.

### Demolition of workshop to form courtyard, bedroom and study

The applicant wishes to provide a self-contained flat at basement level. Demolition of the existing workshop roofs enables daylight to enter an outside space/courtyard at basement level.

An extension is proposed at basement level on the site of the lean-to, with rebuilding on part of the workshop footprint. This is to create a bedroom and a study.

### Basement layout

New Road is a busy street and it was considered preferable to place the living space and kitchen at the front; the bedroom is shown at the rear of the property for greater privacy and a quieter environment.

The basement floor levels step up from the front to the rear of the property. It would be necessary to excavate to gain minimum head height (2.3m under the main house and 2.5m in the extension).

### Upper floor layout

The three-bedroom maisonette is located on three floors. A terrace is proposed to the rear, accessed by a door formed through a currently blocked window.

### Exterior

Roofs: The main central valley roof is inaccessible. It is believed to be slate with a lead gutter. The workshop and lean-to roof is felted/asphalt (not opened up).

*Proposed:* main roof. natural slate with lead gutter to Lead Sheet Association recommendations (or Code 6 gutter and Code 5 flashings) and insulated.

Terrace: flat roof – insulated and paved.

Studio roof: tiled in terracotta pantiles and insulated.

Brickwork: Brickwork repairs in lime mortar, e.g. where proposed door formed on rear elevation.

*Proposed:* walls in basement, London stock bricks with a glazed timber-framed link.

Render: Painted "ashlar" scoured render on front elevation at ground and basement levels.

*Proposed:* Clean and repaint the render on the front elevation while exposing the ashlar pattern.

Chimney: Brickwork with 8 clay pots.

*Proposed:* Repair stacks and retain the pots; sweep and check they are venting the stacks.

Windows: Windows are painted timber; sashes except a casement in the basement. All are modern replacements; metal grille fixed to basement window.

*Proposed:* Renewal of all windows except ground floor front, replace basement casement with sash, proposed windows single-glazed painted timber, to be agreed with local authority.

Remove metal grille to basement window.

External doors: Existing 6 panel painted doors (not original); metal roller shutter.

*Proposed:* 6-panel painted doors to front elevation. Glazed timber doors to rear elevations; remove metal roller shutter.

Rainwater goods: Plastic RWP and SVPs on rear elevation.

*Proposed:* re-ordered RWP and SVPs, cast iron down pipes and connections.

Boundary treatments:

Brickwork walls to the front area with stone coping and cast iron railings; brickwork parapet walls to the rear workshop boundary.

*Proposed:* Clean and repaint brickwork in the front area; overhaul and repaint the railings, repair the steps; clean off the paint and plaster to the rear walls in the basement and leave as fair-faced brickwork where external; re-plaster internally with lime plaster or dry-line.

Vehicular access or hard standing: No vehicular access or hard standing.

Clear out front area. Pave ground floor terrace and rear courtyard.

Lighting: No existing external light fittings.

No proposed external light fittings.

### Interior

Internal walls: There are no walls on the upper floor except some partitioning around the staircase. Upper floors walls are missing. Basement walls are brick. Some recent studwork around stairs and WCs; metal grilles at basemen; lightweight partitions around the WCs.

On the upper floors the existing recent WC, staircase and stair enclosures would be removed, so that the original plan with a central staircase could be reinstated.



All internal walls would be inserted with fire-rated plasterboard. At basement level all the recent WCs etc would be removed and some alteration made to form the kitchen area. Make good brickwork (to structural engineer's details). Proposed stud walls with plasterboard linings.

Ceilings: All ceilings are believed to be in modern plasterboard. Replace where necessary and upgrade the ceiling between the basement and ground floor party floor.

Floors: Timber floor structure with timber floorboards, believed to be twentieth-century work. (Ground floor is not accessible and no opening up has been carried out anywhere in the building.) The basement has a solid floor.

Retain and repair any old floorboards (if they exist on the ground floor), replacing locally if required.

Ceiling height is less than 2.3m in the central and rear rooms. Excavate to new basement floor level, and insulate the basement slab. Upgrade ground floor to a party floor structure, with acoustic flooring and acoustic-rated ceiling.

Internal doors: Existing flush doors and metal grilles. Remove all existing doors and grilles, replace with proposed 6-panel timber painted straight-edged panel doors on ground and first floors. Install 4-panel doors in the basement and first floor levels.

## **9 Refuse and waste**

Refuse collection is from the street in the New Road area; the residents place bags on the street. Storage is typically within the dwelling or in dustbins if there are external spaces. There is space for bins in the front area at basement level for the basement flat; however the bags will have to be carried to the street by the residents. There is a possibility for an enclosed store on the external terrace for the maisonette. It is noted that this is not usually acceptable; however the site is very constrained and the few large public paladins on the nearby streets are not sufficient for the amount of waste generated locally, so this compromise may be the best in the situation.

## **10 Cycle storage**

Cycle storage should be secure and integrated in new build (London Plan).

Here the constraint is the access. There is space at basement level to store a bicycle in the front area. It is unlikely that a resident will do this in the view of the street. It is not ideal, as it would need to be carried down the steps. The maisonette has space under the staircase to store a couple of bicycles. This will not obstruct internal access. Alternatively, a new store could be constructed on the terrace (This would mean carrying a bicycle through the kitchen; this is not ideal and the under-stair storage is considered preferable.)

## **11 Amenity space**

A terrace is proposed to the maisonette on the roof of the proposed basement bedroom. A door is proposed from the ground floor rear room by dropping the cill of the (unblocked) window. It is noted that allowing terraces is discretionary in the conservation area. At number 32, the terrace would provide amenity space for the maisonette. and it is well set back from the private gardens in Walden Street and Varden Street. There is local precedent for a first floor terrace at the rear of 2 Walden Street. (It is assumed that this is approved.)

At basement level a lightwell/inner courtyard could provide an outdoor space for the basement flat in addition to the front area.

## **12 Sustainability**

The change of use to residential would provide a more sustainable use than the mixed commercial uses that have failed to thrive here. The energy efficiency would be improved by insulating the roofs, floors and improved windows and doors.

## **13 Access**

Accessibility is constrained by the existing features. The stepped approach to the front door would be unchanged, but the surfaces would be improved.

Basement external stairs are also to be retained. Within the building, the basement flat would have level access (rather than the existing steps up to the rear rooms).

## **14 Daylight and sunlight**

In the basement, daylight in the front habitable room is constrained by the retaining wall in the front area. The light will be improved in the proposed living room by removing the grille and replacing the fixed casement with a sash window. In the bedroom, the daylight angle of 25 degrees is shown on the section in line with BRE guidance for adjoining buildings. (There is no daylight and sunlight survey at the time of the application.)

The daylight in the study is enhanced by rooflights.

The proposed change of use to residential would provide a sustainable future for the building, and the external improvements would preserve and enhance the conservation area on New Road, and the internal improvements would reinstate some lost character of the listed building.

Nicola de Quincey RIBA SCA

## Appendix A

### Enforcement notice

An enforcement notice is in place that is complied with in part. The applicant's intention is to complete the work during a single construction phase.

This email is included for reference. Items in red are to be complied with.

*Email from Laurie Besley, Planning Compliance Officer (Enforcement Officer)*

*7 November 2019*

*Dear all,*

*Further to my visit to the site on Tuesday, I have attached some relevant documents regarding the background of the property. Following the previous planning history, the present lawful uses of the property are found to be: Basement - B8; Ground floor - A1; 1st Floor - B1; 2nd Floor - B1. I attach two recent decision notices in relation to changes of use.*

*An enforcement notice and a listed building enforcement notice were issued in March 2017. The requirements for the enforcement notice are:*

*i. Cease the use of the Premises as three (3) self-contained flats.*

*ii. Remove the bathrooms from the first and second floors of the Premises, including and all associated fixtures, fittings and waste materials therefrom.*

*iii. Remove the shower and/or bath from the basement of the Premises, including and all associated fixtures, fittings and waste materials therefrom.*

*The requirements for the listed building enforcement notice are:*

*i) Remove the 'Aspara Herbal' fascia advertisement from the Premises, including all associated fixtures, fittings and detritus therefrom and make good any damage caused by the removal.*

*ii) Remove the 'Aspara Herbal' banner sign from the Premises, including all associated fixtures, fittings and detritus therefrom.*

*iii) Repaint the principal elevation of the Premises at ground floor and basement level in heritage white (prior to carrying out this requirement, have approved by the Council the exact colour tone, type of paint and the method of repainting).*

*As you can see, neither notice has been fully complied with at this stage, as there are still items which need to be removed from the interiors, and the repainting of the frontage needs to be correctly completed with the appropriate paint. We discussed the problem of the inappropriate black paint and I think any further actions would need to be taken following the advice of the Council's design and conservation officers.*

*In addition to the above notices, we discussed that there are a number of other unauthorised items such as external and internal roller shutters, metal gates, etc, in addition to the poor condition of both interior and exterior (including the graffiti, alarm box, battens, wiring, etc on the front elevation). All of these would constitute further breaches of planning and listed building controls and any future enforcement action would need to take them into account.*

*It has been suggested that the matter could be resolved by way of a planning and listed building application seeking to revert the whole of the property to a single dwellinghouse, or alternatively to two separate residential flats. I am of the opinion that a carefully planned application for the restoration of the building to a single family home might be acceptable depending on the specifics of said application, but that this would still need to address the Council's policies (including the emerging development plan policies) on loss of employment uses. You may wish to seek written pre-application advice on your proposed scheme or schemes before making the application. A link to the Council's advice scheme is provided below:*

*Notwithstanding the above, we will need to undertake swift action soon in order to resolve the outstanding enforcement issues. Please can you revert to me within 7 days to confirm what course of action you propose to undertake, and if you are intending to submit either an application or a request for advice, this must be submitted along with all supporting documents within 21 days of today's date.\**

*I hope the above information is helpful to you and will await your further response in this matter.*

*Kind regards,*

*Mx Laurie Besly  
Planning Compliance Officer*

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Place Directorate  
Tower Hamlets Council  
Town Hall, Mulberry Place, London E14 2BG*

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*\*The date for the Pre-application submission was subsequently extended to the first week in January 2020. The Application was actually submitted on 18 December 2019.*