

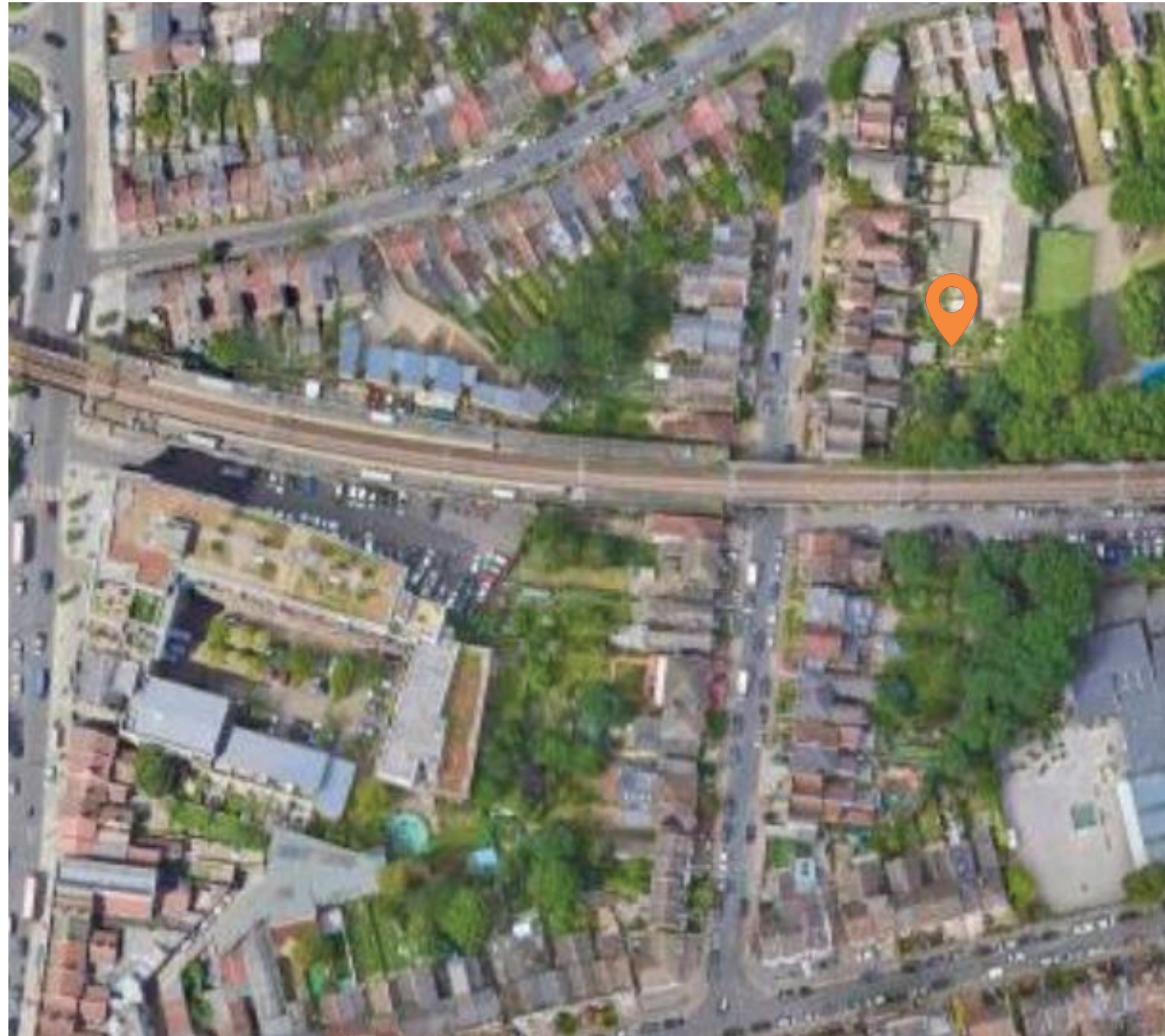


HOUSEHOLDER APPLICATION

Proposed demolition of the existing rear extension
Proposed erection of a rear ground floor extension and a rear loft extension

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1. The site and its environment

The site is located in Forest Gate, between the train line viaduct (Overground to Wanstead Park station) and the junction to Chestnut Avenue.

The property is located north of Newham's Forest Green area. The buildings in this area comprise of semi-detached Victorian villas, early Edwardian and 1950's - 1970's Post War housing.

The accessibility to public transport is PTAL 3.

The application site is a Victorian terraced house within a small series (three pairs) of seemingly semi-detached houses, due to their specific layout with the entrance doors recessed from the frontage.





2. Planning statement

This Householder application is submitted in the view of resolving the outstanding matters concerning the property, which has an extensive planning history with many enforcement cases and a court decision to deal with the 2018 Enforcement case.

There seem to be some confusion in the planning record about its Use Class. The 17/00311/CLP decision mentioned its use as C4 HMO as the reason for refusal. Then, the 17/01734/FUL refusal is based on “the loss of a family dwellinghouse”. Furthermore, previous enforcement cases relate to the unauthorised use as an HMO.

For the sake of clarity, the house has been occupied for many years by the Applicant’s own family, with three generations under one roof. This confirms the lawful use as an original family dwellinghouse (Use Class C3).

The enforcement case refers to the rear extension and its canopy and the canopy only of the outbuilding.

We note that planning permission was granted for a rear extension in 1989, followed by an approved Full Plans application with Newham Building Control the same year. The Appellant’s report notes a dilapidated state in 2016 for that extension and the case officer refers to the rear extension as not approved “in their current form”. The current extension was refurbished circa 2017 but its lawful presence is not a matter of dispute in our view. This application thus proposes the replacement of the rear extension with a new one, on the same footprint and with the same volume. The building envelope will change appearance, being built with facing brickwork and in compliance with the latest building regulations.

The canopies to the rear extension to the outbuildings have been recently demolished (August 2023) as a preamble for this application. This was agreed between the writer and the case officer in July 2023 as a reasonable step to safeguard the bedroom of the elderly parents for the period of this application until the implementation of the forthcoming approved scheme, thus minimising the disruption to their lives.



Rear extension and its canopy (June 2023)

Enforcement:

06/00443/UNFLAT, Appeal dismissed / Case closed Unauthorised conversion of dwelling to flats or HMO

06/00474/UCU, Case closed
House in Multi Occupation or Flat Conversion

11/00772/ENFC, Case closed
Large HMO

15/00666/ENFC, Case closed
Without planning permission, the material change of use to a house in multiple occupation (HMO)

16/00497/ENFCEN, Case closed
Compliance with enforcement notice 15/00666/ENFC

18/00280/ENFC, Case closed
Without planning permission, the erection of a rear extension (inclusive of a canopy addition) and without planning permission, the erection of a canopy addition to the rear outbuilding.

18/01059/ENFCEN
Compliance with enforcement notice 18/00280/ENFC

Following a court decision, the case officer wrote to the Applicant in April 2023: *“A guilty conviction has been given for failing to comply with this enforcement notice. Accordingly, the only way to comply with this enforcement notice in full is to remove the development the subject of the enforcement notice. The Council does not agree that the extension or the outbuilding have been in place in their current form since the purchase of the property, as outlined and presented to the Judge in court. The photographic evidence from the historic imagery, and the more recent imagery clearly shows that the development is different, and therefore any argument otherwise is unfounded.*

In order to comply with the enforcement notice, you must comply with the requirements of the notice which state to:

1. *Demolish the rear extension (inclusive of the canopy addition)*
2. *Demolish the canopy addition to the rear outbuilding*
3. *On completion of steps 1 and 2 above, remove all materials and debris from the site.*

Any alternative development would require planning consent, after the removal of the existing extension and canopy. Failure to comply with the enforcement notice will result in further prosecution. “

2.2 Planning history

17/00311/CLP > Refused
Certificate of lawfulness for proposed loft conversion consisting of two dormers and two single storey rear extensions
Reason: *As such, the site is a Large HMO, falling within the Sui generis use class. It has not been demonstrated that the property has been returned to a dwellinghouse.*

17/01734/FUL > Refused
Conversion of large house in multiple occupation (C4) to 1 x 1 bed flat and 1 x 2 bed flat with ground floor rear extension and cycle and refuse storage on the ground level.
Reason: *The conversion of this family sized dwelling to that of two smaller residential self-contained flats will result in the loss of family sized residential floor space and is thus unacceptable in principle (conclusion of officer’s report).*

- Decision Notice:
1. The change in use represents the loss of a family dwellinghouse within the borough which is a form of housing this Council is seeking to protect from conversion. [...]
 2. The change in use results in low quality housing. The accommodation does not provide for an adequate or healthy living environment for existing and future occupants of the property, by virtue of the poorly considered outdoor amenity space (including refuse bin and cycle storage areas).[...]
 3. The change of use has the potential to result in an increase in noise and disturbance which will have an adverse effect upon health, the environment and general amenities of the area. This is as a result of increased comings and goings and a change to the pattern of movements inside and outside the premises.[...]
 4. The extension, by virtue of its poor quality design fails to respect the symmetry and appearance of host property by virtue of the window proportion and format.[...]

16/02440/FUL > Refused
Conversion of existing house with proposed ground floor rear extension and dormer extension to the existing converted loft to create 1 x 2 bed and 1 x 3 bed self-contained flats including cycle and refuse storage on the ground level.

89/05252
Erection of a single storey rear extension & Building Control Application
89/1605/FP, Status: Approved



Side extension



Canopy to outbuilding (June 2023)

2.3 Enforcement related works

in December 2023, the Applicant carried out the necessary demolition works and removed the canopies to the rear extension and the outbuilding. This was de facto a pre requisite for the submission of this application.



Rear extension : CANOPY REMOVED (December 2023)



Rear extension : CANOPY REMOVED (December 2023)



Canopy to outbuilding : REMOVED (December2023)

3.1 Proposed extension design

The new rear extension follows the existing footprint, using the retained concrete strip foundations. The volume will replicate the existing height of the rear extension.

The existing side extension is not contentious, as discussed with the case officer. However, its appearance and impact on the neighbours should be reviewed. To that end, it is proposed to reduce the projection of the flat roof beyond the side access door. Furthermore, as part of the improvement to the internal levels, the door itself will be replaced with an upgraded aluminium framed glazed door.

The proposed loft conversion includes a rear dormer that follows typical Permitted Development guidelines. The volume retains a 200 mm recess from the eaves, the ridge is set below the existing ridge tile and the flat roof slopes at 1 in 40 to the rear. The side of the dormer is also offset 200 mm from the face of the side wall over the entrance to clearly demarcate the new volume.

The walls are finished in facing brickwork to match the existing London Yellow stock bricks. The flat roof will be finished with grey fibre glass waterproofing or similar.

All new windows and doors will be dark grey aluminium finish, and comply with the latest security requirement of the Building Regulations (Part Q). Highly performance triple glazing will be specified to all new ground floor windows and doors.

The building works will include the complete upgrade of the building envelope performance in terms of thermal insulation and damp-proofing. The aim is to add insulation to all external walls and change other windows, thus achieving at least an EPC rating C.

3.2 Space standards

The existing house has been extended over the years and a single bedroom in the rear outrigger is currently below the minimum 7.5 sqm GIA required by the national space standard.

The proposals remove this small bedroom and relocate it within the proposed loft extension, with a 10 sqm internal area.

3. The proposals

3.3 Accessibility

In these circumstances, where the entrance doorway cannot be widened, it is not possible to fully comply with Part M4(3) accessibility requirements. Forming a separate side access into the front room may be considered at a later stage, when fully independent wheelchair access becomes necessary.

Until then, it is proposed to remove the internal step between the entrance hall and the kitchen so that wheelchair access is provided from the street.

The replacement double bedroom for the parents is now dimensioned to comply with the requirements for wheelchair access as per AD Part M4 (3), along with a larger bathroom.

3.4 Amenity

The amenity of both the family and their neighbours is preserved. There is an actual reduction of the volume along the boundaries by virtue of the removal of the canopies.

This application does not have any impact on the immediate neighbours in terms of daylight and sunlight. The simple dormer at second floor level is comparable to all dormers in the area and does not introduce any further impact.

3.5 Landscape, Trees and Biodiversity

There is no tree on site or nearby trees are not impacted by the proposals. The proposals do not include any change to the landscape design of the garden.

3.7 Cycle and Car Parking

This application does not have any impact on the current parking arrangement.

3.8 Waste Management

The existing domestic bin storage is retained as existing. This application does not have any impact on the waste collection.

4. Conclusion

The proposal seeks planning permission for the replacement of the rear extension and the addition of a rear dormer roof extension.

The proposal complies with relevant national and local planning policy.

The materials and style of the extension are consistent with the existing building as well as the local surroundings and are appropriate for the area.

The Applicant trusts that the Council will support these proposals as it clearly would form a resolution to the outstanding planning matters and offer the opportunity for a significant improvement of the living conditions of the family.

The Applicant respectfully requests that planning permission be granted.