



REGULATORY SERVICES COMMITTEE

19 February 2015

REPORT

Subject Heading:

**P1378.14: 50 Purbeck Road,
Hornchurch**

**Retention of an existing one-bedroom
duplex flat. (Application received 7
October 2014)**

Ward:

Hylands

Report Author and contact details:

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Policy context:

**Local Development Framework
London Plan, Planning Policy
Statements/Guidance Notes**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input checked="" type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The proposal is for the retention of an existing one-bedroom duplex flat created in a side extension to the dwelling at 50 Purbeck Road, Hornchurch.

On balance the proposal is considered to be unacceptable and raises concerns in relation to the insufficient arrangement of amenity space and inadequate on site car parking provision resulting in an excessively dense over-development of the site and a substandard form of residential accommodation in terms of its internal spacing arrangements.

This matter has been called in to committee by Councillor Pain as the applicant feels they were poorly advised by planning staff in 2010 on a proposal to extend the property which has led to the current breach of planning control.

RECOMMENDATIONS

That planning permission is refused for the following reasons:

1. The development would, by reason of the lack of direct access to the amenity space from the upper floor flat and the overlooked nature of the amenity area make inadequate amenity space provision on the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document.
2. The development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the LDF Development Control Policies Development Plan Document.
3. The development would, by reason of the number of units on the site and resultant cramped living accommodation, poor arrangement and functionality of the amenity area and insufficient parking, result in an excessively dense over-development of the site to the detriment of the character and amenity of the surrounding area and the amenity of future occupiers contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document.

4. The proposal would provide accommodation which is below the Mayoral minimum size standard. It is considered that the limited floorspace would result in a substandard level of living space for the occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the SPD on Residential Design and Policy 3.5 and Table 3.3 of The London Plan.
5. In the absence of a legal agreement to secure a financial contribution of £6,000 to be used towards infrastructure costs of new development, the proposal is contrary to the provisions of Policy DC72 of the LDF and the Havering Planning Obligations Supplementary Planning Document.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Call In

- 1.1 This application has been called in by Councillor Pain on the grounds that the applicant considers they were poorly advised by planning staff in 2010, which has led to the current breach of planning control.

2. Site Description

- 2.1 The application relates to the property at 50 Purbeck Road, Hornchurch. The building was originally constructed as a two storey semi-detached house. In 1959 planning permission was granted for the conversion into two self-contained flats, with the upper floor becoming No.50a and the ground floor remaining as No.50.
- 2.2 In 2010 planning permission was granted for a two storey side extension to enlarge No.50 and change it from a ground floor flat into a split level maisonette. However, once constructed the extension was converted into an unauthorised self-contained one-bedroom duplex flat and since January 2014 has been rented out as 50b Purbeck Road.

- 2.3 The property is situated with a garden to the rear and a parking area to the front. The site is located in a predominantly residential area characterised by two storey semi-detached dwellings.

3. Description of Proposal

- 3.1 The application is seeking planning permission retrospectively for the retention of a one-bedroom duplex flat.
- 3.2 Effectively the two storey side extension built in 2010 has been partitioned off internally and converted into separate self-contained living accommodation. At ground floor level the dwelling comprises a combined kitchen and lounge, a downstairs WC and a hall and at first floor level a bedroom and a bathroom.
- 3.3 The rear garden would be subdivided between the two properties providing private amenity space areas of 91 square metres for the additional dwelling and retaining 88 square metres for No.50. The existing first floor flat at No.50a would have no access to the amenity space.
- 3.4 The parking area to the front and dropped kerb access from Purbeck Road is currently shared between the dwellings providing 3no. off street car parking spaces.

4. Relevant History

- 4.1 P0760.10 - Two storey side extension and single storey rear extension, to convert ground floor flat into 1 bedroom maisonette and alterations to layout of garden area – Approved.
- 4.2 P1692.09 - Single storey rear and double storey side extension to convert ground floor flat into 1 bed maisonette and alterations to layout of garden areas – Approved
- 4.3 P0923.09 - Two storey side/rear extension to form additional one bed flat – Refused
- 4.4 P0011.09 - Single/two storey side/rear extensions to create new one bedroom flat unit – Refused
Appeal Ref: APP/B5480/A/09/2106451 – Dismissed.
- 4.5 P1603.08 - Single storey rear extension to existing ground floor flat and single/two storey side/rear extension to create one-bed dwelling – Refused
- 4.6 P1568.08 - Proposed extension to existing dropped kerb – Approved
- 4.7 ES/HOR179/59 – Conversion into 2 flats – Approved

5. Consultations/Representations

- 5.1 Notification letters were sent to 14 properties and no representations have been received.
- 5.2 Local Highway Authority – object to the proposal on the grounds of insufficient off-street car parking provision.
- 5.3 Environmental Health – no comments.

6. Relevant Policies

- 6.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 6.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.
- 6.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) are relevant to these proposals.

7. Staff Comments

- 7.1 The main considerations relate to the principle of the development and the layout of the scheme, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

Background

- 7.2 In 2008 planning permission (P1603.08) was sought to extend No.50 with single and two storey side and rear extensions. At the same time permission was sought to use the extensions as a separate flat. Planning permission was refused on the basis that the proposals would leave the upper floor flat (No.50a) with no direct access to the rear garden. The Council's decision also cited a lack of off-street car parking together with a concern that the proposals would result in a cramped living environment.

- 7.3 Two further amended planning applications were made during 2009 (ref: P0011.09 and P0923.09), however both of these applications were refused for similar reasons to those outlined above.
- 7.4 An appeal was lodged against the refusal of application P0011.09 and was subsequently dismissed by the Inspector. In reaching a decision the Inspector concluded that the proposed amenity space would not be acceptable for the residents of the property as a whole. The inspector also considered that whilst the proposed extensions were unobjectionable, the resultant development density would be out of keeping with the surroundings. Finally, the Inspector concluded that the proposed car parking provision would be inadequate for the flats.
- 7.5 In late 2009 planning permission (P1692.09) was sought to extend the property with single and two-storey side extensions. The proposals were to enable the enlargement of the existing ground floor flat at No.50 to create a maisonette. Recognising that the layout of the extension had the potential to be used as a separate residential unit, the Council agreed to grant planning permission subject to the applicant entering into a Unilateral Undertaking. The purpose of the legal agreement was to prevent the subdivision of the enlarged No.50 without the prior consent of the Council.
- 7.6 A further planning application (P0760.10) was made in 2010 for a proposal of the same nature as P1692.09, albeit with a different roof form to the side extension and an enlarged first floor to create a bigger bathroom. This application was also approved by the Council subject to a new legal agreement to prevent the subdivision of No.50 without prior consent. As such planning application P0760.10 was implemented and the extensions were built under this permission.

Principle of Development

- 7.7 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 7.8 In terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area in a sustainable location.
- 7.9 Policy DC4 states that subdivision of existing units can provide an important source of additional housing for smaller households. As a result the policy supports the subdivision of dwellings to create self-contained residential accommodation provided that the dwelling has reasonable outlook and aspect, a separate sleeping area and safe and secure access from the street.
- 7.10 In this sense the additional dwelling appears to adhere to the principles of the policy. However, the policy clearly outlines that care and consideration

should be given to ensure that the standard of the resultant new dwellings is satisfactory both in terms of the standard of accommodation provided and its impact on the surrounding environment. As a result, establishing whether the principle of the development is acceptable requires further assessment. A more detailed discussion in relation to these matters is set out in the following sections.

Density/ Layout

- 7.11 Policy DC2 of the LDF provides guidance in relation to the dwelling mix and density within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 7.12 The application site falls within an area designated as ‘the rest of the borough’ where the appropriate density for new development would be 30-50 dwellings per hectare. This area is residential in nature and, since the site comprises an area of 0.035 hectares the proposal for an increase from 2 to 3 flats would result in a density of 85 dwellings per hectare which would be substantially higher than the appropriate level for the area.
- 7.13 With regard to the appeal on the previously refused application for a similar proposal, the Inspector noted that this “would result in a development of excessive density which would be out of keeping with the surroundings”. Effectively the same development has been implemented by the applicant and it is considered that the Inspector’s observations remain relevant.
- 7.14 The cumulative effect of poor quality homes and the citywide benefits improved standards would bring is a strategic issue and concern of the London Plan. As such Policy 3.5 advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The relative size of all new homes is a key element of this strategic issue and to this end the policy requires that new residential development conform to minimum internal space standards.
- 7.15 No standard is given for one-bedroom two storey houses but due to the internal layout it is considered reasonable in this instance to regard the additional dwelling as a duplex flat. Under these circumstances it is appropriate to apply the nearest standard which relates to one-bedroom flats for two occupants and requires a minimum internal floor area of 50 square metres. The additional dwelling has a total internal floor area of just 46.2 square metres, a figure which includes the non-habitable areas such as the circulation space and store cupboards. As such the internal spacing of the additional dwelling falls considerably below the London Plan minimum standard and staff take this as being indicative of the overall cramped living conditions. It is therefore considered that the unit is of an insufficient size for day to day living with regard to the adopted guidelines.

- 7.16 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 7.17 A third one bedroom flat has been provided at the property with the rear garden split into two strips providing private amenity space areas of 88 square metres and 91 Square metres respectively. The plans show a gate to one of the rear gardens via a side access shared with no. 48 Purbeck Road. If the rear amenity space was to be shared with No.50b then the residents of the first floor flat at No.50a would be required to leave via the front door and then walk via the side access to reach the rear amenity space. However, the applicant's supporting statement indicates that despite the subdivision of the garden this arrangement has never been implemented and the first floor flat has been rented out for the past 6 years on the basis that no amenity space is provided.
- 7.18 In reaching a decision to dismiss the appeal on the previously refused scheme the Inspector concluded that the proposed amenity space would not be acceptable for the residents of the property as a whole. Effectively the development results in the provision of an additional dwelling, but only provides private garden space for two of the flats.

Impact on Amenity

- 7.19 The additional dwelling is located in a two storey extension abutting the property boundary with the shared passageway with No.48 and as such is not situated in close proximity to any other dwellings than was previously deemed to be acceptable under the approved application for the extension. The creation of the additional dwelling has not resulted in the installation of any new windows or alterations harming the amenity of the neighbouring dwellings.
- 7.20 The additional dwelling can demonstrate a reasonable outlook and aspect, a separate sleeping area and safe and secure access from the street. However, the internal spacing arrangements of the flat are considered to be overly cramped and below recommended standards set out in the London Plan. As such staff are of the view that the development creates a confined and restricted dwelling resulting in a poor quality standard of accommodation that would be harmful to the amenity of the occupants. The application is therefore considered to be contrary to Policy DC4 of the LDF and 3.5 of the London Plan.

Environmental Issues

- 7.21 The site was previously in use as a part of a residential garden curtilage and as such there are no historical contaminated land issues associated with the plot.
- 7.22 The site is not located within a Flood Zone and presents no issues in relation to flood risk.

- 7.23 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

Parking and Highway Issues

- 7.24 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The site has a low Public Transport Accessibility Level (PTAL) and therefore, to accord with Policy DC2, new residential development in this location is required to provide a high car parking provision of 1.5 to 2 no. spaces per unit.
- 7.25 The proposal can demonstrate off street car parking provision for 3no. vehicles along the frontage with Purbeck Road, equating to one parking space per flat.
- 7.26 When dismissing the previous appeal the Inspector noted that with regard to the availability of public transport, the application site is over 1 mile from the nearest national railway station in Romford and further from the nearest London Underground at Elm Park. Bus services which serve Hornchurch and Romford Town Centres run along Hornchurch Road some five minutes walk from the site. The inspector went on to state that the provision of 1.5 - 2 parking spaces per dwelling unit is required in this area and as such the proposal would therefore fail to meet the Council's minimum parking requirement and, is therefore a manifestation of the over-development of the site.
- 7.27 The Local Highway Authority Have objected to the proposal due to the insufficient provision of off street car parking.
- 7.28 While there are no parking restrictions in the vicinity of the appeal site, the proposal would be likely to result in an increase in demand for on-street parking which would be detrimental to traffic circulation and contrary to the requirements of policy DC33 of the adopted LDF which requires that parking provision should be made in accordance with the Council's standards. Staff therefore consider that the development creates conditions that are likely to materially adversely affect the free flow of traffic and highway safety in the vicinity of the site.

Community Infrastructure Levy and Developer Contributions

- 7.29 The development creates 1 no. new residential unit within an existing extension which was approved prior to the introduction of Mayoral CIL. The proposal does not result in the creation of any net additional gross internal floorspace and is therefore not liable for Mayoral CIL.
- 7.30 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides 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". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise".

- 7.31 The proposal is liable to a contribution of £6,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.
- 7.32 As the scheme is recommended for refusal, the lack of ability to secure this contribution is given as a separate refusal reason.

8. Conclusion

- 8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be unacceptable.
- 8.2 Staff consider that the development raises concerns in relation to the insufficient arrangement of amenity space and inadequate on site car parking provision resulting in an excessively dense over-development of the site and a substandard form of residential accommodation in terms of its internal spacing arrangements.
- 8.3 If Members are minded to grant planning permission, Staff suggest that conditions shall be placed that consist of at a minimum: car parking provision, refuse storage and cycle storage, together with a requirement to enter into a unilateral undertaking to secure the planning infrastructure contribution.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement, should the application be approved.

Legal implications and risks:

Legal resources will be needed to draft the legal agreement, should the application be approved.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 7 October 2014.