



REGULATORY SERVICES COMMITTEE

REPORT

Subject Heading:

P0267.15: 23 Tempest Way, Rainham

Proposed single / double storey rear extension and reconfiguration of internal layout to provide 2 x 1 bedroom maisonettes.

Ward

Elm Park

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Havering will be clean and its environment will be cared for
People will be safe, in their homes and in the community
Residents will be proud to live in Havering

SUMMARY

This planning application has been called in by Councillor Julie Wilkes, owing to the following concerns:

- Conversion to maisonettes out of character and would result in greater noise disturbance
- Two storey rear extension would spoil the open view of rear gardens and impact on privacy
- Inadequate provision of parking
- Overdevelopment

The Local Authority are in receipt of an application which seeks planning permission for a part single storey, part two storey rear extension and the subsequent subdivision of the dwelling house to two, one bedroom self-contained units with private amenity space to the rear.

The Proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues.

In the event that Members are content with the details of the application it is recommended that the decision be delegated to the Head of Regulatory Services including the determination of whether to seek a contribution for infrastructure projects and the quantum of any such contribution.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of the extension 31m² and amounts to £620 (subject to indexation).

If Members are content with the details of the proposal that the decision to grant planning permission be delegated to the Head of Regulatory Services, including a determination of whether to seek a contribution for infrastructure projects and the quantum of any such contribution and subject to the following conditions.

1. Time Limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and documents approved by the local planning authority:

Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. Car parking - Before the building(s) hereby permitted is first occupied provision shall be made within the site for 1 No. car parking spaces per dwelling and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. Matching Materials – All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:- To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. Landscaping - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B and C, no extensions, roof extensions, roof alterations shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

7. Storage of refuse - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Cycle storage - Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

9. Construction Methodology – Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) Parking of vehicles of site personnel and visitors; b) storage of plant and materials;
- c) Dust management controls;
- d) Measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;

- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) Siting and design of temporary buildings;
- h) Scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) Details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

10. Secure by design Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

11. Boundary Treatment Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

12. No Flank Window Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the

provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

13. Hours of construction No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity, and in order that the development accords with the Development Control policies Development Plan Document Policy.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of a two storey, residential end of terrace property finished in painted render.
- 1.2 The surrounding land use is predominantly residential and the dominant housing form is two storey terraced dwellings.

2. Description of Proposal

- 2.1 The Local Authority are in receipt of an application which seeks planning permission for a part single storey, part two storey rear extension. The proposal also seeks consent for the subdivision of the property to form two one bedroom self-contained units.
- 2.2 The proposed extension to 23 Tempest Way will project 3.0m in depth at single storey from the original rear wall of the dwelling house with a sloping roof with eaves of 2.30m and an overall height of 3.28m

- 2.3 The two storey element will be set on the unattached side of the dwelling with a set-back in excess of 3.0m from the adjoining property and would feature a hipped roof with a maximum height of 6.65m.
- 2.4 Parking for two vehicles, one for each unit has been demonstrated on submitted plans.
- 2.5 The proposal would subdivide the existing garden and provide separate private amenity space for each unit, measuring 43.65m² and 23.10m² respectively. No detail has been given as to the means of subdivision in terms of boundary treatment, however this can be conditioned.

3. **History**

ES/HOR/98/52 – Houses - Approved

4. **Consultation/Representations**

- 4.1 The application was publicised by way of direct notification of adjoining properties. One letter of objection was received as summarised below
- Noise and disturbance as a result of increased number of residents
 - Loss of outlook
 - Loss of light
 - Loss of privacy
 - Out of character/context

5. **Relevant Policy**

- 5.1 London Plan Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), and 8.2 (planning obligations).
- 5.2 Local Plan Policies: Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, C55, DC61, DC63, and DC72 of the Local Development Framework Core strategy and Development Control Policies Development Plan Document ("the LDF") are material considerations. In addition, the Residential Design Supplementary Planning Document ("the SPD"), Designing Safer Places SPD, Landscaping SPD, sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.
- 5.3 The provisions of the National Planning Policy Framework are also a material consideration.

6.0 **Staff Comments**

6.0.1 The issues arising from this application are the principle of the development, the impact of its design, scale and massing upon the character of the area as a result of the proposed extensions. Furthermore, the impact upon neighbours living conditions and parking and highway matters as a result of the subdivision.

6.0.2 Amended drawings have been provided reducing the number of bedrooms to one per unit in order to comply with minimum internal spacing.

6.1 Principle of Development

6.1.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.

6.1.2 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 resultant dwelling has reasonable outlook and aspect, a separate sleeping area and safe and secure access from the street.

6.1.3 Consequently, the proposal under consideration complies with the above mentioned policies and is therefore acceptable in principle.

6.2 Density and Layout

6.2.1 London Plan Policy 3.5 sets minimum space standards for new dwellings and for one bedroom flats the minimum gross internal area is between 37m² and 50m² depending on the number of occupants. The proposed flats comprise of one bedroom units. Disregarding circulation space at ground floor that accommodation has a GIA of approximately 56.11m², the accommodation at first floor has a GIA of 53.23m² thus complying with London Plan Policy 3.5.

6.2.2 Staff consider that the proposed self-contained units would provide an adequate day to day living environment for future occupants, the internal floor space demonstrated is considered to be sufficient to justify a recommendation to grant planning permission.

6.2.3 The Council's Residential Design SPD recommends that every home should have access to suitable private amenity and/or communal amenity space. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day use.

6.2.4 The existing plot will be sub-divided to create 2 separate plots for the ground and first floor residents. The proposed sub-division of the existing

garden would result in an amenity space of approximately 23.10m² for one unit and 43.65m² in respect of the other unit. Both residential units would benefit from garden space that complies with the relevant guidance and is of an adequate and usable size. Therefore the proposal is considered acceptable.

6.3 Design / Impact on Streetscene

6.3.1 Policy DC61 of the Core Strategy and Development Control Policies DPD seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.3.2 The proposal would result in an additional residential unit, however no external changes to the host building are proposed that would alter the appearance of the dwelling from the street scene thus no objections are raised in this respect. The formation of hard standing to the frontage, in order to provide adequate provision of parking is not considered out of character within the context of the wider street scene. The details of the proposed hard surfacing will form part of a landscaping condition.

6.3.3 The part two storey/part single storey rear extension complies with Local Authority Guidance in respect of its projection and roof design and as such no objections are raised. Staff judge that the proposed rear addition will integrate appropriately with the character of the existing building and that of the rear garden environment.

6.3.4 Therefore it is considered that the proposed development by reason of its positioning, scale and design would not constitute an over bearing garden development or harm the residential appearance of the surrounding area. The proposed additions to the rear elevation would integrate appropriately with the host dwelling and are in accordance with guidance set out in the Residential Extensions and Alterations SPD.

6.4 Impact on Amenity

6.4.1 Policy DC61 of the Core Strategy and Development Control Policies DPD requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other material impacts.

6.4.2 Tempest Way predominantly features rows of terraced properties and in the case of 23 Tempest Way, the application dwelling is end of terrace and forms part of a row of only four dwellings which benefit from a building line forward of the row of terraced dwellings to the North.

- 6.4.3 Consequently, as a result of this staggered building line it is the view of staff that the proposed two storey rear extension on the unattached side will not pose any harm to neighbouring amenity. The proposal will be screened in its entirety by the existing dwelling house to the North.
- 6.4.4 The attached neighbour to the South does not benefit from any form of existing development at ground floor level.
- 6.4.5 The proposed rear addition would be single storey on the attached side and would project 3.0m in depth, with an eaves height of 2.30m and an overall height of 3.25m. Staff have given consideration that an extension of this depth and modest height could be achieved under Class A of the GPDO.
- 6.4.6 In respect of the two storey element, the Residential Extensions and Alterations SPD offers guidance which states that two storey rear extensions should be set in from the common boundary with any attached dwelling by not less than 2.0m and project no more than 3.0m. The proposed two storey addition complies with these recommendations in respect of its depth and set back from the attached neighbour. The proposal would measure 3.0m in depth, flush with the single storey element and would feature a set-back in excess of 3.0m from the attached neighbour to the South, thus in accordance with guidance.
- 6.4.7 In summary, staff conclude that the proposed additions at both single/two storeys would result in only a marginal impact to neighbour amenity, not sufficient enough to justify a recommendation for refusal. Due to the unusual building line, it is considered that the form of the original dwelling house of the unattached neighbour to the North would serve to screen the proposed development in its entirety. Any loss of light/harm to amenity to the attached neighbour situated to the South would be negligible as a result of the proposals compliance with Local Authority Guidance and favourable orientation.

7. Highway/Parking

- 7.1 Policy DC33 of the Development Control policies Development Plan Document states that planning permission will only be granted if new developments provide car parking spaces to the standards provided in Annex 5 which are based on those provided in the London Plan. Annex 5 refers to the density matrix in Policy DC2 for residential car parking standards.
- 7.2 The application site is situated in an area which is considered to have poor access to public transport and as such would necessitate 1.5-2 parking spaces per residential unit. In this instance, one parking space per dwelling has been shown.

7.3 In light of the revision to one bedroom units, staff consider this shortfall in the provision of parking to be marginal and consider one parking space per unit to be satisfactory and in keeping with the wider street scene.

8. **Mayoral CIL**

8.1 The proposal would result in the formation of 31m² new gross internal floor space. The proposal would therefore give rise to the requirement of £620 Mayoral CIL payment (subject to indexation).

9. **Planning Obligations**

9.1 The submitted information assumes that a financial contribution of £6000 per unit will be made in accordance with the Council's Planning Obligations SPD. However, the SPD states that contributions would be pooled to be used for infrastructure, but since 6th April 2015, the CIL Regulations prevent the pooling of 5 or more contributions. The technical appendices to the Planning Obligations SPD clearly show the impact of new development on infrastructure and that on grounds of viability a contributions should be sought. However, at present it is unclear whether it is legitimate to seek infrastructure contributions from projects of less than 10 units. Accordingly, if members are content with the details of the application it is suggested that the decision be delegated to Head of Regulatory Services, including the determination of whether to seek a contribution for infrastructure projects and the quantum of any such contribution.

10. **Conclusion**

10.1 The proposed development will involve the subdivision of an existing residential unit which will result in an increase of units on the application site. It is considered that the proposed residential accommodation will benefit from reasonable outlook and aspect, internal partitioning of an acceptable size for day to day living and will allow for safe and secure access from the street. The proposal presents no issues for highways or off street car parking or surrounding residential amenity.

10.2 Furthermore, it is considered that the part single storey, part two storey rear extension complies with Local Authority Guidance and due to its siting, and site specific circumstances will not have a materially great impact on neighbouring amenity.

10.3 The application therefore complies with the aims, objectives and policies of the LDF Core Strategy and Development Control policies Development Plan Document, London Plan and the intentions of the National Planning Framework. Approval is thus recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

Legal resources will be required to prepare and complete variation of existing legal agreement.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form and drawings received 27th February 2015.