



# REGULATORY SERVICES COMMITTEE

12 November 2015

# REPORT

**Subject Heading:**

**P1173.15: 90 Main Road**

**Demolition of existing garage and  
erection of new detached chalet  
bungalow (Received 27 August 2015)**

**Ward**

**Romford Town**

**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	[X]
People will be safe, in their homes and in the community	[X]
Residents will be proud to live in Havering	[X]

## **SUMMARY**

The application is seeking planning permission for the demolition of an existing garage in the rear garden environment of 90 Main Road, Romford and the erection of a detached chalet bungalow with living space within the roof.

On balance the proposal is considered to be unacceptable. The primary issues identified by staff relate to the suitability of the plot to host an additional dwelling, the precedent of rear garden development of this type within the locality where spacious rear gardens are prominent and the aesthetic of the proposed dwelling, which would not respect, nor bear any resemblance to the dominant building form in Lodge Avenue.

The application is called in to committee by Councillor Joshua Chapman, who would like to explore the provision of parking and considers that the application merits greater discussion of its planning specifics.

## **RECOMMENDATIONS**

The planning permission is refused for the following reasons.

1. The proposed development would, by reason of its siting and form, appear as an incongruous and visually intrusive feature in the street scene. The development would neither respect the dominant building form within Lodge Avenue and the wider locality. The development would therefore be harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
2. The proposed dwelling would, by reason of its siting, scale and proximity to the boundaries of the site combined with the width of the plot; give rise to a cramped and overdeveloped appearance in the street scene and an overbearing impact in the rear garden environment which would be harmful to the character and appearance of the street scene and the residential amenities of nearby residential contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
3. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

## INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the applicant/agent by email 21st October 2015.
2. The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1600.

### REPORT DETAIL

#### 1. Call In

- 1.1 The application is called in to committee by Councillor Joshua Chapman, who would like to explore the provision of parking and considers that the application merits greater discussion of the planning specifics which make up the proposal.

#### 1. Site Description

- 1.1 The application relates to a plot of land to the rear of 90 Main Road with outlook onto Lodge Avenue.
- 1.2 The dominant building form in Lodge Avenue is two storey semi-detached residential dwellings.

#### 2. Description of Proposal

- 2.1 Permission is sought for the demolition of an existing garage and the erection of a detached chalet bungalow with an overall footprint of 61m<sup>2</sup>.
- 2.2 The dwelling would have an overall ridge height of 5.95 metres and be sited within 1.0 metre of the boundary with 88 Main Road. It would feature living space in the roof and makes provision for two front dormers with outlook onto Lodge Avenue.
- 2.3 The proposal would comprise a lounge, toilet, kitchen and bedroom at ground floor with one additional bedroom with ensuite in the roof space.
- 2.4 Private amenity space is retained for both host and donor properties and two off street parking spaces are shown on submitted plans for the proposed dwelling.

### **3. History**

3.1 None relevant

### **4. Consultation/Representations**

4.1 Neighbour notification letters were sent to 13 neighbouring occupiers. Two letters of objection were received which raise the following concerns:

- Too close the boundary of neighbouring premises
- Loss of Privacy.
- Increased traffic/congestion
- Appearance of proposed dwelling not in keeping with locality, harmful to the street scene

4.2 Highway Authority – No objections.

4.3 Environmental Health – No objections.

### **5. Relevant Policy**

5.1 Policies CP1, CP2, CP17, DC2, DC3, DC7, DC33, DC35, DC61, DC63, DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant.

5.2 Also relevant are Policies 3.1, 3.4, 3.8, 5.12, 6.9, 7.1, 7.3, 7.4, 8.3 of the London Plan and the National Planning Policy Framework (NPPF)

5.3 The Technical housing standards – national described space standard is also applicable.

### **6. Staff Comments**

6.1 The main considerations relate to the principle of the development and the layout of the scheme, the appearance of the proposed dwelling in the street scene, the implications for the residential amenity of future occupants and nearby houses and the suitability of the proposed parking and access arrangements.

### **7. Principle of Development**

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

7.2 On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle, subject to other policy considerations.

## **8. Density/Site Layout**

- 8.1 Staff will also seek to apply the standards offered by the Technical Housing Standards - Nationally Described Space document. Contained within this document are requirements for gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights.
- 8.2 The Technical Housing Standards - Nationally Described Space document stipulates that any proposed dwelling must provide at least the gross internal floor area and built-in storage set out on table 1 (page 5 of the aforementioned document). The minimum gross internal area for two bedroom, two storey dwellings is set at a figure of between 70m<sup>2</sup> and 79m<sup>2</sup>, varying based on the number of proposed occupiers. Whilst it is clear that the lower GIA is most relevant, based on the layout shown on submitted plans, the proposed dwelling makes provision for a gross internal floor area of approximately 73.7m<sup>2</sup>, (Floor area with less than a ceiling height of 1.50m is disregarded for the purposes of calculating the GIA). Guidance also requires that any proposed dwelling demonstrate a minimum floor to ceiling height of 2.30m for at least 75% of the gross internal floor area. In this respect the proposed dwelling would provide headroom in excess of 2.30m over 79% of the GIA, thus in accordance with adopted guidance.
- 8.3 Staff consider that the proposed development complies with the other standards which must be applied in terms of bedroom sizes and mix, however recognise that there is a deficiency in terms of the floor area of the single bedroom at ground floor level. It is not considered sufficient enough so as to justify a recommendation for refusal however.
- 8.4 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. An area of approximately 100m<sup>2</sup> (staff calculate the figure to be in the region of 89m<sup>2</sup>) to the side of the proposed dwelling will be set out as garden amenity space. In terms of size the proposed amenity space is considered sufficient for day to day living. The surrounding dwellings within this suburban location however are characterised by private spacious rear gardens and it is considered that the arrangement demonstrated on the submitted plans does not adhere to this principle. The siting of the amenity space to one side of the dwelling represents somewhat of an anomaly, and emphasises the unsuitable nature of the plot in terms of its depth.

## **9. Impact on Street Scene**

- 9.1 Policy DC61 states that development must respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding context.

- 9.2 It is the view of staff that the proposed dwelling under consideration would represent somewhat of an anomaly and would fail to integrate acceptably with the street scene and in relation to surrounding premises by reason of its design and style. In order to make up for the shortfalls of the site in terms of plot depth, living space has been incorporated into the roof space of the proposed dwelling. By seeking to maximise the internal habitable space, the resultant dwelling would bear little resemblance to adjacent properties on Lodge Avenue or the host dwelling and would as a consequence appear as an incongruous feature.
- 9.3 The prevailing character of Lodge Avenue is essentially pairs of hipped roof, two storey semi-detached dwellings and the introduction of a detached property with a side gabled roof would represent a departure from the dominant building form. Whilst staff appreciate that the donor property and its unattached neighbour, 88 Main Road are bungalows, the proposed dwelling would be seeking to integrate with the Lodge Avenue street scene..
- 9.4 Concerns raised are accentuated by the confined setting of the plot, with the proposed dwelling featuring only a minor setback of just over 1.0m to the rear boundary of the site. It is clear that despite the presence of mature trees screening the rear boundary of the site which offer a level of protection to 88 Main Road, that the proposed dwelling, by reason of its siting, proportions and proximity to the boundaries of the site would appear uncharacteristic within the rear garden environment.

## 10. **Impact on Amenity**

- 10.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 10.2 The unattached neighbour to the south of the proposed dwelling at 175 Lodge Avenue has only one flank window which is situated at ground floor level. This window previously served a garage which was converted in 2009. Consequently little weight is given to any potential loss of light resulting from the development proposed.
- 10.3 The dwelling proposed features no windows at first floor level which would have direct outlook over/onto neighbouring occupiers. The rear boundary of the site is also framed by mature trees and vegetation which affords neighbouring premises some level of screening. It is considered that any resultant loss of privacy/loss of light would therefore be marginal.
- 10.4 The main concern of staff relates to the design and scale of the proposed dwelling and how appropriate a dwelling of such scale is in terms of the rear garden environment. Concerns raised are accentuated by the confined

setting of the plot, with the proposed dwelling featuring only a minor setback of just over 1.0m to the rear boundary of the site. It is clear that despite the presence of mature trees screening the rear boundary of the site, by reason of its siting, scale and proximity to the boundaries of the site, the proposed dwelling would appear as a visually intrusive and dominant feature, to detriment of the outlook enjoyed from neighbour occupiers, particularly the donor property and 88 Main Road

## **11. Highway/Parking**

- 11.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site and the donor property are located within an area which has poor level of access to public transport and consequently a high standard of 1.5-2 parking spaces are required per dwelling, both proposed and donor.
- 11.2 The proposed development would result in no loss of parking for the donor dwelling and would provide a sufficient number of off street parking spaces for the proposed dwelling.
- 11.3 No objections are raised by the Highway Authority.

## **12. Section 106**

- 11.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
  - (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 11.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 11.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 11.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is

now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

- 11.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 11.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 11.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 11.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.
- 11.9 As this application is recommended for refusal there is no mechanism for securing this contribution and this therefore also forms grounds for refusal.

## **12. Key Issues/Conclusion**

- 12.1 The proposed development would be located within an existing urban area in a sustainable location and would appear to demonstrate adequate internal spacing suitable for day to day living. It would also create no highways or parking issues.
- 12.2 It is considered however, that the proposed dwelling would, by reason of its siting and design, appear out of keeping with the character of the adjacent properties and thus would be detrimental to the Lodge Avenue street-scene. Due to the constraints and clear inadequacies of the application site in terms of plot depth and by consequence its ability to host an additional dwelling



successfully, the proposed dwelling represents development inappropriate for the rear garden environment, with an unsatisfactory relationship to neighbouring residential occupiers.

- 12.3 The development is considered to be contrary to the provisions of Policies DC61. Therefore it is recommended that planning permission is refused accordingly.

## **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 and drawings received 27 August 2015.