



REGULATORY SERVICES COMMITTEE

20 April 2016

REPORT

Subject Heading:

P0109.16 – 24 Rosebank Avenue,
Hornchurch

Erection of granny annexe in the rear
garden (Application received 27th January
2016)

Ward

Hacton

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	[]
Residents will be proud to live in Havering	[X]

SUMMARY

The Council are in receipt of an application seeking planning permission for the construction of a single storey annexe building in the rear garden environment of 24 Rosebank Avenue.

Due to the potential for the annexe to be accessed independently of the main dwelling, a legal agreement is required to ensure that the annexe shall be used only for living accommodation ancillary to that of the main dwelling and to ensure that the annexe and main dwelling operate as a single planning unit.

The development proposed is considered to be acceptable in all material aspects and it is recommended that planning permission is granted subject to conditions and also the completion of a legal agreement to ensure that the unit remains as an annexe to the main dwelling and not a separate residential unit.

RECOMMENDATIONS

That the application is unacceptable as it stands but would be acceptable subject to applicant entering into a Section 106 Legal Agreement to secure the following:

- That the residential annexe hereby approved shall be permanently retained as an annexe to the existing dwelling at 24 Rosebank Avenue and shall not be sub-divided or sold off separately from the main dwelling.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant subject to the conditions set out below:

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. Materials (Detail no samples)

Before any of the development hereby permitted is commenced, written specification of external walls and roof materials to be used in the construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page one of this decision notice).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. Use as part of the main dwelling

The outbuilding hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 24 Rosebank Avenue, Hornchurch, RM12 4QX and shall not be used as a separate unit of residential accommodation at any time.

Reason: The site is within an area where the Local Planning Authority consider that the sub-division of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. Removal of Permitted Development Rights

Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extension or enlargement (including additions to roofs) shall be made to the annexe hereby permitted, without the express permission in writing of 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.

6. Adapted flank and rear window condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank or rear 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.

7. Balcony Condition

The roof area of detached annexe hereby permitted shall never be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

8. Sub-division

The garden area shall not be subdivided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

Reason: In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

9. Incidental Use

The outbuilding hereby permitted shall not be arranged or disposed of as a separate unit of residential accommodation from the use of the main dwelling.

Reason: In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

INFORMATIVES

17. Approval – no negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

19. Planning Obligation

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (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

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of a residential two storey semi-detached dwelling finished in rough render. The surrounding area is characterised by a mix of different residential building forms.

2. Description of Proposal

- 2.1 The application seeks full planning permission for a detached single storey granny annexe to the rear of 24 Rosebank Avenue.
- 2.2 The annexe would be set against the rear boundary of the site, 1.0, from the southern boundary and 0.60m from the northern boundary.
- 2.3 The annexe would have a width of 10.0m, a depth of 5.0m, with a flat roof measuring 2.50m in height.

3. History

- 3.1 No relevant planning history

4. Consultation/Representations

- 4.1 In accordance with recognised procedure, notification letters were sent to 20 neighbouring properties. No letters of representation were received.
- 4.2 Highway Authority – No objections to the proposal.
- 4.3 Environmental Health – No objections to the proposal.

5. Relevant Policy

- 5.1 Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant.
- 5.2 Also relevant is policy 7.4 of the London Plan and the National Planning Policy Framework (NPPF)
- 5.3 The Residential Extensions and Alterations SPD is also relevant in this instance.

6. Staff Comments

- 6.1 The application is being reported to Committee because the proposed development requires a legal agreement to ensure that the use of the annexe is solely ancillary to the main dwelling 24 Rosebank Avenue.
- 6.2 The main issues to be considered in this case are the principle of development, the impact on local character and the street scene, the impact on amenity of neighbouring properties and parking and highway issues.

7. Principle of Development

- 7.1 The Residential Extensions & Alterations SPD defines a residential annexe as accommodation that is ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The guidance states that the annexe must form part of the same planning unit, sharing facilities, including access, parking and garden areas.
- 7.2 The layout, design and physical relationship between the house and the proposed annexe are therefore important considerations and the proposed annexe must demonstrate clear connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. As a guide, the scale should be such that the annexe can be used as a part of the main dwelling once any dependency has ceased.

7.3 Although it is capable of independent occupation by virtue of its facilities and siting it would be unlikely to be occupied by anyone other than people closely associated with the occupants of the main house who would be content to share the remaining curtilage area to no.24 and live closely overlooked by the occupants of the main house.

7.4 The applicant has expressed that the annexe would be occupied solely by family members and would not be let separately. Nevertheless staff consider it necessary to seek a Section 106 legal agreement that would ensure that the annexe remains ancillary to the main dwelling as there is a concern that it would be relatively easy to subdivide the plot in the future, given the location of the annexe building within this corner plot and the ability to access it from the side.

8. **Design/Impact on Street/Garden Scene**

8.1 Policy DC61 of the LDF Development Plan Document 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 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

8.2 Within the locality, other outbuildings of similar scale are present in the rear gardens of neighbouring premises. Staff consider that the annexe would integrate satisfactorily into the rear garden environment, as it is single storey and of moderate height, therefore would not appear disproportionate in relation to the main residence.

8.3 The annexe would not be easily visible from the street scene therefore no issues arise in this respect..

9. **Impact on Amenity**

9.1 The Residential Extensions & Alterations SPD states that outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties. 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.

9.2 Staff have given consideration to the scale and bulk of the proposed detached annexe in relation to the garden size of the application site and surrounding properties. The site is bounded by a close boarded

fence, which would serve to screen a considerable amount of the proposal's height and depth. Staff conclude that despite the proposed annexe occupying a prominent position, visible from a number of aspects, that it would not unacceptably detract from neighbouring amenity by reason of its modest height, which is comparable to that which could be achieved under permitted development which allows outbuildings of 2.5m in height within 2.0m of the common boundary.

9.3 Staff accept that there would be comings and goings to the annexe and increased use of the garden area in a general sense but no more so than an outbuilding in use as a hobby, games and garden room, particularly in the summer months. As such, staff are of the view that the use of the outbuilding proposed as a residential annexe would not give rise to an unacceptable level of noise and disturbance and would be unlikely to give rise to significant adverse impacts

9.4 It is still considered reasonable to impose a condition to prevent further extensions or enlargements to the proposed annexe (including additions to the roof) which could result in further intensification of use of the curtilage to the possible detriment of neighbouring residents' living conditions and a reduction in the amount of amenity space provision. In this instance it would also be necessary to include a condition restricting the occupancy of the annexe to purposes connected to the residential use of the main dwelling 24 Rosebank Avenue.

9.5 Finally, although staff view the application as acceptable on its own merits, it is acknowledged that no letters of objection have been received.

9.6 On balance, subject to safeguarding conditions and the provision of a Section-106 agreement to prevent the outbuilding being used for purposes other than those ancillary to the main dwelling staff are of the view that the proposed annexe would be in accordance with provisions of Policy DC61 and the Residential Extensions & Alterations SPD.

10. **Highway/Parking**

10.1 The proposal would have no bearing on existing provision of parking and the Highways Authority raised no objections.

11. **Conclusion**

11.1 The scale, height and massing of the proposed outbuilding would be sympathetic to the rear garden setting and officers are of the opinion that the proposal would not result in an undue impact on the amenity of neighbouring residents nor present any issues visually.

11.2 Therefore having had regard to all relevant planning policy and material considerations, subject to conditions and the provision of a Section 106 agreement to prevent the annexe being used for any other purpose other than those ancillary to the main dwelling approval is recommended 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 required for the drafting of a legal agreement.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to equality and diversity. The proposal will provide a form of accommodation that meets the particular needs of an individual.

BACKGROUND PAPERS

Application form and drawings received 27-01-2016