



REGULATORY SERVICES COMMITTEE

28 April 2016

REPORT

Subject Heading:

P1020.15: 57 Rockingham Avenue

Garage conversion of double garage with extension to form a granny flat for family on site (Application received 12 November 2015)

Ward

Hylands

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	<input checked="" type="checkbox"/>
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

The application is for the alteration and extension of an existing detached garage, to enable its conversion into a residential annexe connected with the existing dwelling at 59 Rockingham Avenue. The proposal is judged acceptable in all

material respects but this is subject to conditions and also 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 57 Rockingham 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. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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.

3. 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.

4. Porches - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no porches shall be erected to the front or side of the extension 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.

5. 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. Flank windows - 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 wall(s) of the annexe 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. 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.

8. Occupancy - Any residential occupation of the building hereby approved shall be limited to immediate family members of the family occupying the main house at 57 Rockingham Avenue for residential purposes and shall not be occupied by any other persons.

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:

1. 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.
2. 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.

REPORT DETAIL

1. Site Description

- 1.1 The subject site is located at the end of Rockingham Avenue with access from a private driveway. The site contains a two-storey dwelling. The detached garage is located to the west of the dwelling and is constructed of brick and tile and with a gabled roof with the ridge running parallel to the front.
- 1.2 The surrounding environment is an established residential area. The primary characteristics of the area are large, two-storey detached dwellings located at the front of the site with garages either located standalone or attached to the dwelling.

2. Description of Proposal

- 2.1 The proposal is for extensions and alterations to the existing garage to convert it into a granny annexe which will be ancillary to the main dwelling on the site. The proposal consists of a 3.3m rear extension and 3m side extension which will be single storey with a maximum height of 3.5m (gabled roof). The garage doors will be retained.

3. History

- 3.1 P0897.14: Proposed garage conversion with extension to rear to form a self-contained residential accommodation for granny flat with separate front gate entrance - withdrawn

P1697.14: Garage conversion with extension to form granny flat - withdrawn

4. Consultation/Representations

- 4.1 A total of 27 parties were consulted as part of the planning application process. No objections have been received.
- 4.2 Highways raise no objection to the proposals.
- 4.3 The Fire Brigade confirm no additional fire hydrants are required and they are satisfied with access arrangements.

5. Relevant Policy

- 5.1 The National Planning Policy Framework is relevant to this application.

5.2 Policies 3.5, 7.4, 7.6 and 8.3 of the London Plan are material considerations.

5.3 Policies CP1, CP17, DC3, DC32, DC61 and DC72 of the LDF are relevant, as is the Residential Design SPD.

6. **Staff Comments**

6.1 The issues arising from this application are the principle of development, its impact on local character and amenity, the suitability of the residential accommodation and resultant living environment, the impact on the amenity of adjoining occupiers and parking and highway issues.

6.2 **Principle of Development**

6.2.1 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.

6.2.2 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 could be used as a part of the main dwelling once any dependency need has ceased.

6.2.3 Although it is capable of independent occupation by virtue of its facilities, it would be unlikely to be occupied by anyone other than people closely associated with the occupants of the main house and who would therefore be content to share the remaining curtilage area to the main dwelling and live closely overlooked by those in the main house. It is considered the relationship with the curtilage of the main dwelling would limit this to use as an annexe. The applicant has confirmed that the conversion is intended to be used by the elderly mother of the applicant as residential accommodation and Staff are satisfied that the development is to be undertaken as an annexe to the main house. It is recommended however that the applicant enter into a legal agreement as there is a concern that it would be relatively easy to sub-divide the plot in the future, given the location of the annexe building to the front site boundary and the ability to access it from Rockingham Avenue independent of the house.

6.3 **Design and Impact in Streetscene**

6.3.1 Given the setback from the public highway and the location and scale of the extension the proposal will not have an adverse effect on the street scene.

6.3.2 The surrounding environment comprises of large-scale, standalone dwellings on large plots of land. The proposal introduces an extended outbuilding with a footprint of 47sqm within a side garden environment. Visually it is considered the proposal would be satisfactory and the retention of garage doors on it would further reinforce the building's outward appearance as a garage. The extensions to be building will be to the rear and will not be readily visible from the street. The building is also set back approximately 30m from the highway. Given the orientation of the building the proposed extensions will not be visible. There will not be any adverse effects on the street scene as a result.

6.3.3 The proposal will create additions to the existing garage within the area of side garden. While this increases the size of the building this is still largely in keeping with the size and scale of other outbuildings in the surrounding area. The proposed development is not considered to be incongruous.

6.4 Impact on Amenity

6.4.1 The proposed extension will be located within the rear garden environment of No. 57 Rockingham Avenue. Given the screening provided by the existing fence and vegetation, the size and scale of this extension will not have adverse overlooking, dominance or overshadowing effects on the adjoining site. The common boundary tapers in towards the subject site which diminishes the bulk of the building as viewed from the adjoining site.

6.5 Highway/parking

6.5.1 The development is considered as an annexe to the main dwelling and is expected to share facilities, including parking with the main dwelling. The proposal shows scope for additional car parking space on the site, which can be accommodated within the area of private driveway, therefore the loss of the garage space will not generate additional on-street parking demand. This application has been assessed by Havering's Highway Engineers who raise no objections to the proposal.

6.6 Section 106

6.6.1 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.

6.6.2 The Council's Residential Extensions and Alterations SPD states that in order for a residential annex to be defined as accommodation ancillary to the main dwelling within the residential curtilage the annex must form part of the same planning unit and share facilities, including access, parking and garden areas.

6.6.3 The applicant has provided information relating to the future use of the garage, which will be used as a granny annex ancillary to the main dwelling. It will not be used as a separate unit of residential accommodation. It is not therefore judged that the proposal requires the payment of an infrastructure contribution towards education provision.

6.6.4 It would however be necessary for the applicant to enter into a legal agreement to ensure that the building will be used as a secondary and incidental part of the main residential activity on the site and not as a separate planning unit.

7. **Conclusion**

7.1 The proposal is considered to be acceptable in principle and not to have any adverse impact on neighbouring residential amenity. The proposal is judged to provide a suitable level of residential accommodation provided it is used as an annexe to the main dwelling, and thereby maintains access to the shared amenity area and to off street parking provision. In order to secure this and given the potential for the outbuilding to be separately occupied in the future, it is considered that the applicant should enter into a legal agreement to prevent the sub-division and independent occupation. Subject to prior completion of this legal agreement and planning conditions the proposal is judged to be acceptable.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

Legal resources will be needed for the completion of the legal agreement.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

Planning policies take into consideration equalities issues. The proposal will provide a form of accommodation that meets the particular needs of an individual.

BACKGROUND PAPERS

1. Planning application P1020.15, received 12.11.15