



REGULATORY SERVICES COMMITTEE

17 November 2016

REPORT

Subject Heading:

**P1446.16: 48 Purbeck Road
Hornchurch**

Double storey side and rear extensions, plus single storey rear extension to include roof lights. (Application received 27 September 2016)

Ward:

Hylands

Lead Officer:

**Simon Thelwell
Planning Manager**

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 proposal is for the construction of a double storey side and rear extensions, plus single storey rear extension to include roof lights. The plans suggest that the extension will form an annexe to the main dwelling.

A legal agreement is required to ensure that the annexe shall be used only for living accommodation ancillary to the existing dwelling known as 48 Purbeck Road Hornchurch, and shall not be used as a separate unit of residential accommodation at any time. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The annexe shall remain ancillary to the main dwelling - No. 48 Purbeck Road Hornchurch.
- The annexe not to be let, leased, transferred or otherwise alienated separately from the original property and land comprising No. 48 Purbeck Road Hornchurch.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Assistant Director of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. *Time limit* - The development hereby permitted shall not be commenced 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 – 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.

3. Use as part of main dwelling – The extension hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 48 Purbeck Road, Hornchurch 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 considers 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.

4. 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.

5. Additional windows and doors condition - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows or doors other than those expressly authorised by this permission shall be constructed in the flank or front elevations of the extension hereby permitted.

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

6. Contaminated land condition No. 1 (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until a site investigation is undertaken to assess the level and extent of any landfill gas present, together with an assessment of associated risks. The investigation shall be in accordance with a scheme submitted to

and approved in writing by the Local Planning Authority prior to any development commencing.

If during development works any contamination should be encountered which was not previously identified in the Site Investigation then works should halt immediately and the Local Planning Authority consulted to agree appropriate further action.

Reason: The development is situated on or within 250 metres of a current or historic landfill site or gravel pit. Insufficient information has been supplied with the application to judge the risk arising from landfill gas. Submission of an assessment prior to commencement will protect those redeveloping this site and any future occupants from potential landfill gas and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

7. Contaminated land condition No. 2 (Pre Commencement)

No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority:

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

8. Removal of permitted development rights and no subdivision of garden - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3, Schedule 2, Part 2, Class A the front and rear gardens shall not be subdivided and no gates, walls or enclosures shall be erected or constructed within the existing boundaries of the site as indicated by red line on the approved Block Plan No. CG/16/01 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 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. Reason for Approval

The proposal is considered to be in accordance with Policies DC33 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Supplementary Planning Document (SPD) for Residential Extensions and Alterations. The proposal is also considered to be in accordance with the provisions of Policies 7.4 (local character) and 7.6 (Architecture) of the London Plan, and the provisions of the National Planning Policy Framework.

2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the applicant, Mr Letten by e-mail. The revisions involved

removal of the flank door and the fencing sub-dividing the site. The amendments were subsequently submitted on 17 October 2016.

3. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

REPORT DETAIL

1. Call-In

- 1.1 A call in has been received from Councillor Ganly on the grounds it is an over development of the site and is not a bona fide application of what it is to be used for.

2. Background

- 2.1 This application is a resubmission of a previously approved planning application P1573.10 with a similar description to that proposed. The previous planning consent has now lapsed and this application is in effect seeking to renew the previous consent.
- 2.2 Prior to this approved planning P1573.10 being granted permission, an application was submitted seeking consent for a single attached dwelling under planning reference P1155.09, which was refused. This application was refused due to its excessive depth on the side boundary, excessive depth of single storey rear extension, cramped development on a narrow plot, and inadequate site car parking. The application P1573.10 which was subsequently granted permission was for an attached annexe.

3. Site Description

- 3.1 The application site is a two storey end of terrace property, located on the eastern side of Purbeck Road. To the side is a single storey garage, the front of the property is covered in hard standing for vehicle parking, there is an existing dropped kerb access from the highway.
- 3.2 There is a right of way footpath adjacent to the site on the northern boundary. The locality is predominantly residential in character typified by two storey terraced properties, some of which have been previously altered and extended.

4. Description of Proposal

- 4.1 The principle of the development has been established by the previous consent P1573.10 and this application is to renew the previous consent which has now lapsed.
- 4.2 Permission is sought for a two storey side and rear extension to create a 1 bedroom annex. Also proposed is a single storey rear extension onto the main property.
- 4.3 The two storey extension replaces the existing single storey garage and measures 3m wide and 12.45m deep at ground floor, 11.4m deep at first floor. The extension would not exceed the existing height of the house, which measures approximately 8.75m. The single storey rear extension measures approximately 3m deep, 4.65m wide and 3.65m high.

5. Relevant History

- 5.1 ES/HOR 268/61 - Demolition of existing garage and erection of new garage - Approved.

P1155.09 - Two storey side and single storey rear extensions to enlarge existing dwelling to create new one bedroom dwelling – Refused.

P1573.10 - Double storey side and rear extensions, plus single storey rear extension – Refused.

6. Consultations/Representations

- 6.1 Letters of consultation were sent to neighbouring properties informing of them of the application and one letter of representation was received with the comments summarised below.

- Comments that the applicant is the owner of the subject property and the neighbouring flats.
- Reference has been made to the additional flank door and separate staircase within the annexe.
- Separate kitchen.
- Loss of privacy from the proposed development.
- The development will look cramped.
- Layout of proposal show characteristics proposal would be subdivided similar to that of No.50.
- Disturbances from occupiers of neighbouring flats at No.50/50a and 50b.
- Applicant did not carry out works in accordance with the approved plans for the flats at No.50.
- A retrospective planning application was refused and then subsequently dismissed on appeal.
- Applicant has other properties within the area which have been extended and is potentially is used for rental purposes.

- 6.2 In reference to comments made above, the Council need to take each application on its individual merit and, in this case, the previous consent granted in 2010 is also relevant.
- 6.3 It should be noted that planning permission is required for a dwelling to be subdivided into a separate dwelling. Any allegation that the dwelling will be subdivided would need to be investigated separately, should this take place. The application under consideration is in respect of the extensions described for annexe with connection at ground floor level.
- 6.4 Consequently, any associated issues relating to anti-social behaviour, noise or disturbance are not relevant to consideration of this application.
- 6.5 The design will be assessed under the Design/Impact on Street/Rear Garden section of the report and concerns regarding loss of privacy under the impact on amenity section of the report.
- 6.6 The proposal if granted consent should be built in accordance with approved plans and any deviation require consent from the Local Planning Authority prior to works been undertaken on site. Any works undertaken without the relevant consent is carried out at the applicant's own risk and may be liable to enforcement action.
- 6.7 The Environmental Health Department have provided two planning conditions in relation to contaminated land should the application be approved.

7. Relevant Policies

- 7.1 Policies DC33 (Car Parking) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered material together with the Residential Extensions and Alterations Supplementary Planning Document. Policies 7.4 (local character) and 7.6 (Architecture) of the London Plan as well as the National Planning Policy Framework are relevant.

8. Staff comments

- 8.1 This application differs from the previously approved scheme in the following key areas:
- The depth of the ground floor side/rear extension has increased from 12.1m to 12.45m
 - The depth of the first floor side/rear extension has decreased from 12.1m to 11.4m.
 - The overall height of the two storey side extension has decreased from 9.1m to 8.75m.
- 8.2 Although, there is variance between this submission and the previously approved plans, the ridge would be no higher than the existing which was

the same on the previous application and the measurements beyond the rear wall on both applications are the similar.

- 8.3 Negotiations were undertaken during the planning process for the flank door on the annexe to be deleted and the removal of the boundary fence which subdivided the garden area to the rear of the annexe and the donor property.
- 8.4 In addition, a request was made for one of the staircase and kitchens to be deleted and for connection to be at ground and first floor level. The latter request was declined by the agent, who made reference to the previous consent which was allowed with these features and the agent considered that the request to remove these features would not allow the occupant the independence from the donor of the property of the elderly relative that may live there but at present the proposal is rented to a tenant.
- 8.5 The agent has stated in supporting e-mail that "the proposed annexe would enable my client to offer the property to an extended family, such as a family group living with an elderly relative. In recent years' central government has increasingly encouraged the concept of extended families living together".
- 8.6 Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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.6 As a result, revised plans were received to be formerly assessed on these premises. The re-submitted application will be assessed in the context of the following:

9. ***Design/Impact on Streetscene***

- 9.1 The proposal includes a two storey side/rear and single rear extension abutting the flank boundary. The new two storey side extension would incorporate a hipped roof to match the existing.
- 9.2 Further to negotiations, the flank door has been omitted from the annexe with the annex now sharing access via the existing entrance door. The extensions now appear part of the main property. This combined with the hipped roof is considered to result in a subservient appearance which acceptably integrates into the main dwelling. The first floor side extension projects 3m rearward, this is set back into the site and would be partially visible from the public highway, and the roof for this rear section is lower than the main roof and therefore appears subservient.
- 9.3 No objections are raised to the proposed single storey rear extensions as they would only be visible from the rear garden and this part of the proposal would relate acceptably to the existing property. No objections are raised from a visual point of view.

9.4 This development proposes a two storey side extension on the boundary. It is acknowledged that No. 50 Purbeck Road, which lies directly adjacent to the site, has a two storey side extension situated on the boundary with a gable end. Since the previous approval this property has been divided into flats.

9.5 In streetscene terms, this extension would have a hipped roof next to the approved gable roof on No. 50. Whilst this is not considered to be an ideal relationship, Staff are aware that there are similar extensions existing down both Purbeck Road and adjacent Southdown Road. Staff are also aware of other approved applications which take end of terraces up to the boundary at two storey level. The 1m alleyway gap between the two properties, when extended, is considered to not result in a terracing effect in this case.

10. ***Impact on Amenity***

10.1 The proposed works include a single storey rear extension of 3m deep abutting the common boundary with No. 46 Purbeck Road. Given the modest depth, it is not considered that the proposed extension would create an overbearing effect or a significant loss of light. In addition, this part of the proposal would be mitigated by the neighbouring single storey rear extension.

10.2 Given the depth of the first floor rear extension at approximately 3m deep and the separation distances from neighbouring properties, Staff consider that no loss of light or outlook would occur. Although the two storey side extension would be set onto the side boundary, a gap would remain between this and No. 50 given the footpath dividing the two sites. In addition, No.50 which has now been converted into three flats has benefited from a two storey side/rear and a single storey rear extension which would partly mitigate the proposal. Therefore no significant loss of light would occur and the development would not cause an overbearing effect to No. 50.

10.3 The depth of the first floor rear extension complies with Council policy and would be set off the common boundary with No.46 by approximately 4.65m. It is noted the proposed first floor rear extension would not infringe upon a notional line taken from common boundary with No.46 Purbeck Road at first floor level created by a 2m separation distance and the 3m depth of the extension; this is due to the separation distance between the boundary and the extension.

10.4 Any concerns regarding a loss of light or outlook to the adjoining property would be unreasonable as the first floor extension is located away from the shared boundary between No. 48 and 46 Purbeck Road and would not cross the notional line as mentioned above.

10.5 In terms of privacy it is considered unlikely that the proposed development would raise the potential for overlooking above that which currently exists. There are flank windows in the annexe extension; however, these serve the

corridor and stairs and could be conditioned so that they are obscure glazed and non-opening. The rear window of the annex would overlook the garden area of the property, given that the site would not be subdivided, there would be no loss of privacy between dwellings.

- 10.6 Any concerns regarding the potential overlooking or loss of privacy from the proposal would be unreasonable, as the first floor windows along this section of Purbeck Road afford views over the rear garden areas of surrounding neighbouring properties. Additionally, these areas are already overlooked by the existing first floor windows of the subject property and by other neighbouring properties. In these circumstances it is considered that any additional loss of privacy will not be of a degree to warrant a refusal of this application.
- 10.7 The use of the proposal as a separate dwelling may result in different impacts which have not been assessed as part of this application and therefore the recommended conditions and legal agreement are to ensure that the property is not subdivided into a separate dwelling.
- 10.8 Given these circumstances and mindful of the general presumption in favour of sustainable development, Staff consider any impact upon this neighbour to be modest and within that envisaged as acceptable within guidelines.
- 10.9 In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

11. *Environmental Issues*

- 11.1 Environmental Health has requested that two contaminated land planning conditions be imposed should the application be approved. Similar conditions were imposed on the previous planning consent P1573.10.

12. *Parking and Highway Issues*

- 12.1 The application site has a PTAL of 1b and although, the proposal would remove the use of the garage, the proposal would be able to provide three parking spaces as shown on drawing 48PR/16/103 after a re-organisation of the landscaping. No highway or parking issues would arise from the proposal, subject to conditions and legal agreement preventing the subdivision of the property.

13. *Mayoral Community Infrastructure Levy*

- 13.1 The proposal comprises of double storey side and rear extensions, plus single storey rear extension to include roof lights to create an annexe, which will remain ancillary to the main dwelling and will involve the creation of additional floor space, however, the additional floor space would not exceed 100 square metres, as such, is not liable for Mayoral CIL.

14. Conclusion

- 14.1 Staff consider that the development would not have an adverse impact on the amenity of neighbouring occupiers. The scale and design of the proposed extensions are considered to be appropriate within its immediate context.
- 14.2 The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 27 September 2016 and amended proposals received on 17 October 2016.