



REGULATORY SERVICES COMMITTEE

REPORT

8 December 2016

Subject Heading:

P1097.16: 69 Newtons Close, Rainham

Part retention of existing outbuilding together with internal and external alterations to enable conversion to granny annexe (revised description). (Application received 5 July 2016)

Ward:

South Hornchurch

Lead Officer:

**Helen Oakerbee
Planning Manager (Applications)**

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 part retention of an existing outbuilding together with internal and external alterations to enable it to be converted and used as a granny annexe. Proposed plans suggest that the annexe will consist of self-contained facilities including a bathroom, kitchen, bedroom and living room. The applicant has confirmed the proposed granny annexe would be occupied by an elderly relative.

A legal agreement is required to ensure that the annexe shall be used only for living accommodation ancillary to the existing dwelling known as 69 Newtons Close, Rainham, 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 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 69 Newtons Close, Rainham 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 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 (Pre Commencement) – Materials should be as per approved plans and no works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: 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.

3. Use as part of main dwelling - The building hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 69 Newtons Close, Rainham 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 elevations of the building 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. Noise Impact Assessment (Pre Commencement) - Before any further development is commenced, an assessment shall be undertaken of the impact of noise upon the site and a scheme for protecting the proposed granny annexe from noise shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before the permitted building is occupied. Particular reference shall be given to noise arising from the nearby Substation.

Reason: To protect the amenity of occupiers of the proposed building given the close proximity of the substation and so that the development accords with Development Control Policies Development Plan Document Policy DC55

7. Balcony Condition - The roof area of the building hereby permitted shall not 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. 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, Classes A and E, the rear garden shall not be subdivided and no additional gates, walls or enclosures shall be erected or constructed within the existing boundaries of the site aside from the new flank boundary treatment to Rainham Road as indicated by Drawing No. P/303 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 annexe 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 Mr Bennett, by telephone on 26.09.2016. The revisions involved reducing the scale of the proposed annexe. The amendments were subsequently submitted on 29.09.2016.

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. Background

- 1.1 It is noted that a previous planning application (Ref: P0554.06) for a two storey side extension for a granny annexe, together with a first floor rear extension and front porch was approved on 12.05.2006. The above extensions have been built. However, according to details submitted under a recent planning application (P1096.16) for a two storey rear extension (decision pending), the layout of the existing two storey side extension does not consist of an annexe, instead it is an addition to the main house. Given these circumstances, staff do not consider the proposal to be a second annexe to No.69 Newtons Close, Rainham.

2. Site Description

- 2.1 The application site is to the rear garden of a two storey, end of terrace dwelling located at the end of a no-through road that lies adjacent to the busy main highway of Rainham Road. The property has been extended previously by means of a two storey side extension together with a part single, part two storey rear extension and front porch. Works have commenced on the outbuilding already.
- 2.2 The locality is predominantly residential in character typified by two storey terraced properties, many of which have existing outbuildings to the rear garden and also some of which have been previously extended to the rear. A Substation is located close to the rear of the site.

3. Description of Proposal

- 3.1 Permission is sought to retain part of the existing outbuilding which is currently under construction together with proposed internal and external alterations to enable the building to be used as a granny annexe.
- 3.2 The proposed building will be approximately 2.8m high featuring a flat roof and about 11.3m wide and 5m in depth. New windows and doors are proposed to the front/side elevations together with a 'Polymer' rendered finish. A patio area is also proposed to the side of the building.
- 3.3 Plans indicate the annexe will consist of self-contained facilities including a bathroom, kitchen, bedroom and living room. The applicant has confirmed the proposed granny annexe is intended to be occupied by an elderly relative and not as a separate unit of residential accommodation.

4. Relevant History

- 4.1 P1096.16 – Erection of two storey rear extension – pending decision.
P0533.16 – Erection of single storey rear infill extension – approved.
P1757.15 – Erection of two storey rear infill extension – refused.
P0554.06 – Two storey side extension for granny annexe. New porch and first floor rear extension – approved.

5. Consultations/Representations

- 5.1 Letters of consultation were sent to neighbouring properties informing of them of the application. Objections were received from a neighbouring property.
- 5.2 The objector has raised concerns in respect of loss of privacy/overlooking, loss of light and loss of outlook. The above concerns are material planning considerations and thereby will be investigated accordingly.
- 5.3 It is acknowledged that the objector has stressed that their family members are elderly and suffer from health conditions. It should also be noted that the applicant has stated that the granny annexe is intended to be used to help assist the needs of an elderly relative who has recently been suffering deterioration in their health. Staff must assess the impact upon the amenity of neighbours as a material planning consideration, however, the impact upon neighbouring amenity must be taken as a general assessment and cannot focus upon particular or individual circumstances of neighbouring occupiers, including health conditions.
- 5.4 Concerns were also raised in respect of the distance between the building and the rear boundary as shown on the proposed plans. Staff consider the

details as shown on the drawings submitted to be sufficient for validation requirements and also for the purposes of determining this application.

- 5.5 The Environmental Protection Team requested the imposition of a planning condition requiring a noise impact assessment should the application be approved given the proximity of a substation to the building.

6 Relevant Policies

- 6.1 Policies DC33 (Car Parking), DC55 (Noise) 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.

7 Staff comments

- 7.1 Negotiations were undertaken during the determination of this application to reduce the width of the building, setting the proposed granny annexe further in from the edge of the highway.

8. *Design/Impact on Streetscene*

- 8.1 The existing outbuilding is positioned close to the western boundary of the site, it is sited approximately 400mm-900mm from the edge of the highway, thus clearly visible from Rainham Road. The proposed granny annexe will be set in from the edge of the highway from about 2.8m-3.2m, at a height of approximately 2.85m and would be located behind fence. The proposed (adapted) annexe would be significantly less visually intrusive than the existing outbuilding when viewed from the public realm. Given the distance the annexe will be set from the edge of the highway, the proposal is not considered to harm the character of the streetscene.
- 8.2 With regard to the rear garden scene, it is acknowledged that there are several existing outbuildings situated within the surrounding rear gardens of the neighbouring properties along Newtons Close. The proposed annexe would appear as a box-like structure at the foot of the rear garden, providing a similar appearance to those existing neighbouring outbuildings outlined above. It is therefore considered that the proposed annexe would not appear out of character with the established garden scene and its scale and design is not considered to be unduly harmful.

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 There is an existing substation to the rear of the annexe. Given the separation distance provided by this substation, staff do not consider the proposal to cause a material loss of amenity to the neighbours located to the south of the site in terms of loss of outlook, overbearing impact or visual intrusion. In addition, the proposed annexe is set to the north of the above neighbours and thereby the loss of sunlight or overshadowing would be negligible. The rear garden is bounded by a close boarded fence which would serve to screen any views from the outbuilding to a considerable amount. In terms of the attached neighbouring property, the scale and siting of the proposed annexe is not considered to cause a material loss of amenity.
- 9.3 The annexe would not provide its occupiers with the normal standards of outlook and private amenity space expected. However, as it is to be used entirely in an ancillary capacity staff are of the view that these shortcomings are not so great as to justify refusing the application.
- 9.4 Staff consider 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 conversion and remodelling 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.
- 9.5 It is still considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional windows and openings in the proposed building, to avoid the potential for overlooking and increased noise transmission. It is also considered necessary to impose a condition to remove permitted development rights in Class A for extensions, and in Class E for ancillary buildings and structures as these are the classes that could result in further intensification of use of the curtilage to the possible detriment of neighbouring residents' living conditions and reduction in the amount of amenity space provision. Officers also consider it necessary for this condition to remove the PD rights under Class A Part 2 for fencing and walling as these rights could result in the curtilage being subdivided. 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 at 69 Newtons Close.
- 9.7 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 site is not subdivided or the granny annexe is used as a separate dwelling..

- 9.6 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.

10. *Environmental Issues*

- 10.1 Environmental Protection have requested that a pre-commencement planning condition is imposed for a noise impact assessment to be submitted and approved by the Local Planning Authority in the event of planning permission being granted to ensure that any potential impact from the nearby substation is appropriately assessed.

11. *Parking and Highway Issues*

- 11.1 The development is not considered to adversely affect car parking provisions or impact on the use and efficiency of the highway.

12. *Mayoral Community Infrastructure Levy*

- 12.1 The additional floor space created by the granny annexe would not exceed 100 square metres, as such, is not liable for Mayoral CIL.

13. *Conclusion*

- 13.1 The proposed granny annexe would demonstrate clear connections with the main dwelling and its use would be entirely in an ancillary capacity to No.69 Newtons Close. The development would not harm the established 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.
- 13.2 As such the proposal is considered to be in accordance with the provisions of Policy DC61 and the Residential Extensions & Alterations SPD and it is recommended that planning permission is granted.

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 5 July 2016 and amended proposals received on 29 September 2016.