



# REGULATORY SERVICES COMMITTEE

23 February 2017

# REPORT

**Subject Heading:**

P1815.16 - 92 Kingston Road, Romford - Alterations and extensions to the existing garage to create a single storey granny annex (received 10-11-2016 and received plans received 9-02-2017).

**Lead Officer:**

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**Ward**

Romford Town

**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 Council are in receipt of an application seeking planning permission for alterations and extensions to the existing garage to create a single storey granny annex at 92 Kingston Road, Romford.

The development proposed is considered to be acceptable in all material aspects and it is recommended that planning permission is granted. 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.

This application was previously considered by Committee on 2 February 2017, where it was deferred to enable staff to clarify the current use of the existing outbuilding and whether it is being used as an annexe and if so, for whom. Members also requested further information regarding the relationship of the outbuilding to the proposed annex and how many annexes would result from the proposal, one or two, and for use by whom. The report is now brought back to Members, updated with further information on the above matters.

The application is recommended for approval subject to prior completion of a S106 Legal Agreement.

## **RECOMMENDATIONS**

That the application is unacceptable as it stands but would be acceptable subject to the 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 92 Kingston Road, Romford 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 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. External Materials**

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

**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. Standard Flank 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 constructed or inserted in the walls of the building 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.

## **5. Removal of Permitted Development Rights - Gates, Walls or Enclosures**

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 Location Plan on Drawing No. GA902 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 granny annexe approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

## **6. Garage - restriction of use**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

## **7. Hours of construction**

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## **8. Boundary treatment**

Notwithstanding the terms of condition 5, prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment, including adjacent to the south western boundary of the site to the rear of No. 88 Kingston Road, shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in

accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## **9. Balcony Condition**

The roof area of the extension 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 dwellings, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## **10. Site levels**

The site levels of the application site shall be lowered in accordance with Drawing No.'s GA901, GA903, GA904, GA905 and GA906 and all soil and spoil materials shall be removed from site prior to the construction of the external walls of the granny annexe hereby permitted.

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

## **INFORMATIVES**

### **1. 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.

### **2. Fee Informative**

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 dwelling-house, is needed.

## REPORT DETAIL

### 1. Background

- 1.1 This application was previously considered by Committee on 2 February 2017, where it was deferred to enable staff to clarify the current use of the existing outbuilding and whether it is being used as an annexe and if so, for whom. Members also requested further information regarding the relationship of the outbuilding to the proposed annex and how many annexes would result from the proposal, one or two, and for use by whom.
- 1.2 The agent has confirmed in writing and submitted revised plans showing that the existing outbuilding is used as a gym and has a separate storeroom. A site visit has confirmed this. Therefore, the proposal would result in the creation of one granny annexe.
- 1.3 In terms of the relationship between the outbuilding and the annexe, the outbuilding is situated on a higher ground level than the proposed granny annexe and the agent has submitted a revised cross section drawing showing the change in ground levels. To access the granny annexe from the rear garden of the application site, future occupants would go down a set of stairs that would be located to the rear of the outbuilding.
- 1.4 The agent has provided the following information regarding the use of the proposed granny annexe. It is intended for the use by the applicant's retired father in law who suffers from poor health having undergone major heart surgery. The decline in his health is taking its toll on both him and in particular, on his wife who is suffering as a consequence of having to solely care for him alone over long periods of time. Their visit to Romford gives both parents relief and the support they need to recuperate as it is evident they are struggling to cope by themselves, therefore being close to family gives them the care and supervision they really need.
- 1.5 There would only be one annexe on the site.
- 1.6 The report below is previously unchanged from that reported to the last Regulatory Services Committee meeting, with the exception of an updated consultation paragraph.

### 2. Site Description

- 2.1 The application site comprises of a two storey detached dwelling located on the junction of Kingston Road and Main Road, Romford. There is a detached single storey outbuilding in the rear garden. There

is a detached double garage to the rear of the site and there is an access road to the south east of the site adjacent to No. 84 Kingston Road. There is an area of open space to the rear of the site that is enclosed by railings. There are two storey semi-detached properties located to the south east of the site. To the rear of the site, ground levels fall on a north west to south east axis.

### **3. Description of Proposal**

3.1 The application seeks permission for alterations and extensions to the existing garage to create a single storey granny annexe. The granny annexe would comprise of an open plan living/kitchen/dining room, a garage, a bedroom and bathroom. The entrance to the annexe would be located to the rear of the existing outbuilding in the rear garden of the site. The materials consist of cedar cladding, render, brickwork and a felt roof.

3.2 The building would have a flat roof with a height of 3.2 metres. At present, there is slope uphill to the front of the double garage and the proposal would involve excavating the site by approximately 0.9 metres, so the building would be sited at a lower ground level.

### **4. History**

4.1 P0663.16 - Alterations and extensions to the existing garage to create a two storey granny annexe - Refused.

P1205.11 - Demolition of existing outbuildings and boundary treatment. Construction of a detached rear outbuilding, rear extensions and a front extension - Approved.

### **5. Consultation/Representations**

5.1 The occupiers of 7 neighbouring properties were notified of this proposal. Four letters of objection were received with detailed comments that have been summarised as follows:

- The proposal appears to be a one bedroom house, not a granny annexe.
- According to the deeds, the garages are not intended for residential use.
- The property already has an extension and conservatory.
- Overbearing, out of scale and character compared with existing nearby developments.
- Access.
- Loss of natural greenery and trees.
- Reference was made to the previous comments made for the previous planning application P0663.16.
- Loss of residential amenity.

- Overlooking, loss of privacy, visual impact, noise, disturbance, overshadowing.
- Reference was made to the Human Rights Act.
- High density and overdevelopment of the site.
- Design, scale, bulk, mass, detailing and materials.
- Loss of views.
- Loss of light.
- Reference was made to the granny annexe being two storeys.
- Requested conditions regarding the construction works if minded to grant planning permission.
- Would restrict the ability for neighbouring vehicles to turn around near the garages to the rear of No.'s 84-90 Kingston Road.
- The property already has a granny annexe extension, which comprises of a building at the end of a conservatory.
- Most of the garden is taken up with the conservatory and existing granny annexe.
- Queried the requirement for more living accommodation.
- Noise and disruption during construction works.
- The increase in people living in this small pod of properties.
- The application does not benefit the community as a whole.

5.2 In response to the above comments, the application has been recommended for approval subject to the applicant entering into a Section 106 Legal Agreement to ensure that the residential annexe shall be permanently retained as an annexe to the existing dwelling at 92 Kingston Road, Romford and shall not be sub-divided or sold off separately from the main dwelling. Hours of construction can be secured by condition if minded to grant planning permission. Comments regarding deeds and that the garage must not be used for any other purpose incidental to the dwelling house are not material planning considerations, as a planning application has been submitted. Comments regarding loss of views are not material planning considerations. The proposal does not involve the loss of any greenery or trees. Planning permission was granted under application P1205.11 for the demolition of existing outbuildings and boundary treatment, construction of a detached rear outbuilding, rear extensions and a front extension. The plans for P1205.11 show that the outbuilding would provide a gym and garden store and does not include any reference to a granny annexe. Each planning application is determined on its individual planning merits. The proposed granny annexe is single storey. The remaining issues are addressed in the following sections of this report.

5.3 Highway Authority has no objection to the proposal as long as it is directly linked to the applicant's household.

5.4 Historic England - The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.



5.5 Fire Brigade - No additional hydrants are required. The Brigade is satisfied with the proposals.

5.6 Environmental Health - No objection.

## **6. Relevant Policy**

6.1 Policies CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking) and DC61 (Urban Design) the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Supplementary Planning Document.

6.2 Policies 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (Housing choice), 6.13 (parking), 7.1 (building London's neighbourhoods and communities) and 7.4 (local character) of the London Plan are relevant.

6.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

## **7. Staff Comments**

7.1 This application is a resubmission of an earlier application (P0663.16) which was refused planning permission for the following reason:

1) The proposed development would, by reason of its height, scale, bulk, siting and position close to the boundaries of the site, appear incongruous in the rear garden environment and be an overbearing, intrusive and unneighbourly development and result in a loss of amenity to No.'s 84-90 Kingston Road, as well as undue overlooking and loss of privacy to No.'s 84-86 Kingston Road, including their rear gardens, which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

7.2 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:

- The granny annexe has changed from a two storey building to a single storey building and therefore, its height has reduced from 5.2 metres to 3.2 metres.
- The pitched, flat and lean to roof has been changed to a flat roof.

7.3 The main issues in this case are the principle of the alterations and extension to the existing garage, the impact on the streetscene, the amenity of neighbouring occupiers and highway and parking issues.

## **8. Principle of Development**

- 8.1 There is no objection in principle to the alterations and extensions to the existing garage to create a granny annexe. There is pedestrian access to the annexe from within the application site. Although the proposed annexe is entirely self-contained in respect of the facilities within and has pedestrian and vehicular access from the road to the south east of the site adjacent to No. 84 Kingston Road, Staff consider its use would be ancillary to No.92 Kingston Road. Although it is capable of independent occupation by virtue of its facilities and siting, it is considered that 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 No. 92 Kingston Road and live closely overlooked by those in the main house. In any event the issue of occupancy and future subdivision could be satisfactorily controlled by conditions and the obligation contained within the recommended legal agreement.

## **9. Design/Impact on Street-scene**

- 9.1 It is considered that the proposed alterations and extensions would not adversely affect the streetscene, as there are limited views of the garage from Main Road, as it is partly screened by the existing outbuilding in the rear garden of the site and the existing dwelling. Also, the garage is set back approximately 16 metres from Main Road. There are numerous trees and soft landscaping in the land to the north east of the site, as well as a row of conifers on the north eastern boundary of the site, which provide some screening.

## **10. Impact on Amenity**

- 10.1 Staff consider that the granny annexe would provide suitable accommodation for future occupiers and would have a reasonable outlook and aspect.
- 10.2 Staff consider that changing the granny annexe from a two storey to a single storey building combined with replacing the pitched, flat and lean to roof with a flat roof and thereby reducing its height from 5.2 to 3.2 metres, represents significant improvements and has brought the scheme within the realms of acceptability. It is considered that these changes have substantially reduced the height, scale, bulk and mass of the granny annexe. It is considered that excavating the site by 0.9 metres would help to mitigate the impact of the proposal.
- 10.3 Staff consider that the proposal would not result in a significant loss of amenity to No.'s 84-90 Kingston Road, as it is relatively low in height at 3.2 metres and its flat roof minimises its bulk. Also, the rear gardens of No.'s 84-90 Kingston Road have a depth of between approximately 11 and 13 metres, which would help to mitigate the impact of the proposal.

10.4 It is considered that the proposal would not create any undue overlooking or loss of privacy, as its single storey. Details of boundary treatment, including adjacent to the south western boundary to the rear of No. 88 Kingston Road, will be secured by condition to prevent any undue overlooking or loss of privacy to neighbouring occupiers from the bedroom window.

10.5 It is considered that the proposed granny annexe would not generate significant levels of noise and disturbance from pedestrian and vehicular movements over and above the use of the existing double garage on the site.

## **11. Highway/Parking**

11.1 The proposal involves the conversion of the double garage to create a granny annexe, which includes a single garage. A condition could be placed to ensure that the garage is made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business if minded to grant planning permission. There is space for two to three vehicles on hardstanding to the front and side of 92 Kingston Road, which is sufficient. The Council's Highway Authority has no objection to the proposal and it is considered that the proposal would not create any parking, highway or access issues.

## **12. Trees**

12.1 There is a Tree Preservation Order on the site - TPO 3-74, which covers 10 trees of the following species - Sorbus, Prunus Pissardi and Chamaecyparis Lawsoniana. It is considered that these trees would not be adversely affected by the proposal, as they are located to the north west and south west of the application dwelling adjacent to Main Road and the junction with Kingston Road.

## **13. Mayoral CIL**

13.1 The proposal involves alterations and extensions to the existing garage to create a single storey granny annexe, which will remain ancillary to the main dwelling and as such, is not liable for Mayoral CIL.

## **14. Conclusion**

14.1 There is no objection in principle to the alterations and extensions to the existing garage to create a granny annexe. It is considered that the proposed alterations and extensions would not adversely affect the streetscene or result in material harm to neighbouring amenity. The proposal would not create any highway or parking issues. The application is recommended for approval subject to the completion of a legal agreement 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.

## **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 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 10-11-2016 and revised drawings received on 9<sup>th</sup> February 2017.