



# REGULATORY SERVICES COMMITTEE

3 August 2017

# REPORT

**Subject Heading:**

**P0046.17**

11 Queens Gardens, Cranham

Convert and extend existing detached garage to new detached chalet style bungalow dwelling.

(Application received 13-03-2017)

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

Adèle Hughes  
Senior Planner  
adele.hughes@havering.gov.uk  
01708 432727

**Ward:**

Cranham

**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**

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

[X]  
[X]  
[X]  
[X]

## SUMMARY

This proposal seeks consent to convert and extend the existing detached garage to a new detached chalet style bungalow dwelling. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations by 3<sup>rd</sup> December 2017 and in the event that the Section 106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- A financial contribution of £6,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Director of Neighbourhoods 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 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 the LDF Development Control Policies Development Plan Document Policy DC61.

## **3. Materials**

Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s), including the replacement sash windows on the front of the building, 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:** 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.

## **4. 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 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.

## **5. Refuse**

The building shall be not occupied until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

**Reason:** Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to

occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## **6. Parking provision**

Before the building is first occupied, the area set aside for car parking as shown on the Revised Site Plan (1:200) Rev A and OG:11:JAWS:2B shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

**Reason:** To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

## **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. Pedestrian Visibility Splay**

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

**Reason:** In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

## **9. Vehicle access**

No development shall commence until the necessary agreement, notice or licence to enable the proposed alterations to the Public Highway has been entered into.

**Reason:** In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

## **10. Removal of permitted development rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

**Reason:** To safeguard the character of the surrounding area and in the interests of neighbouring 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.

## **11. Boundary treatment**

Prior to the first occupation of the dwelling hereby approved, details of all proposed walls, fences and boundary treatment 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.

## **12. Cycle storage**

The building shall not be occupied until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

**Reason:** Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

## **13. Water efficiency**

The dwelling hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

**Reason:** In order to comply with Policy 5.15 of the London Plan.

## **14. Building Regulations**

The dwelling hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings

**Reason:** In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

## **15. Landscaping**

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

## **16. Obscure glazing**

The proposed roof lights and side dormer window on the flank walls of the proposed bungalow hereby approved serving a stairwell and W.C respectively as shown on Drawing No. OG:11:JAWS:2 B shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained.

**Reason:** In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## **INFORMATIVES**

### **1. Approval following revision**

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 John Wallington-Smith via email on 9<sup>th</sup> May 2017. The revisions involved confirming the number of bed spaces, showing all the dormers on the cross section drawings, increasing the internal ceiling height from 2.2m to 2.3m in the loft, indicating where the headroom

falls below 1.5m on the proposed first floor plan, increasing the size of bedroom 1 from 11 to 12 square metres, increasing the ridge height of the bungalow by approximately 0.5m, alterations to the design and enlargement of the rear dormer window and adding built in storage on the ground floor of the bungalow. The amendments were subsequently submitted on 1<sup>st</sup> June 2017.

## **2. 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.

## **3. Fee**

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.

## **4. Changes to the Public Highway**

Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent) there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. please note that unauthorised work on the highway is an offence.

## **5. Highway Legislation**

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

Please note that unauthorised works on the highway is an offence.

## **6. Temporary use of the public highway**

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license

from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised works on the highway is an offence.

## **7. Street name/numbering**

Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

### **REPORT DETAIL**

#### **1. Site Description**

- 1.1 The application site comprises of a single storey detached dwelling with a detached garage adjacent to the rear boundary of the site. The surrounding area is characterised by single and two storey semi-detached and detached dwellings.

#### **2. Description of Proposal**

- 2.1 The application is to convert and extend the existing detached garage to a new detached chalet style bungalow with dormer windows and roof lights. The creation of first floor accommodation would increase the height of the garage from between approximately 2.8 and 3 metres to a ridge height of approximately 6.2 metres with a hipped roof. There would be two bay windows on the front elevation and bi-fold doors on the rear elevation of the proposed dwelling.

#### **3. History**

P1123.16 - Convert and extend existing detached garage to new self-contained detached chalet style bungalow dwelling with dormer windows and roof lights - Refused.

P1383.08 - Proposed single storey front extension, internal and external alterations and new boundary fence - Approved.



P1382.08 - Proposed detached double garage and workshop, new boundary fence and gates - Approved.

P0074.86 - Detached two bedroom bungalow with integral garage - outline - Refused. Appeal dismissed.

L/HAV/334/72 - Side extension - Approved.

ES/HOR/443/56 - Bungalow - Approved.

#### **4. Consultation/Representations**

4.1 The occupiers of 27 neighbouring properties were notified of this proposal. Twenty one letters of objection (from nine addresses) were received with detailed comments that have been summarised as follows:

- Overlooking.
- Concerns regarding building work taking place elsewhere in Queens Gardens.
- Loss of light.
- Loss of privacy.
- Loss of views and outlook.
- Impact on neighbouring amenity.
- Reference was made to the planning history of this site.
- The bedrooms have the appearance of tiny bedsits and are totally out of keeping with the area.
- Would appear visually intrusive, obtrusive, dominant, incongruous, overbearing, cramped and not in keeping with the general spaciousness and character of the surrounding area contrary to Policy DC61.
- It was alleged that the measurement of the land at the back of the proposed dwelling appears to be incorrect, as it's given at 14.7 metres and is under 14 metres.
- It was alleged that the block plan is out of date and inaccurate.
- Opposed to back garden housing development, which is discouraged in the London Plan.
- Overcrowding.
- There are no site measurements or neighbouring properties shown on the plans.
- It is alleged that the plan showing the two new car parking spaces in the garden of the existing bungalow is inaccurate, as the two spaces would not be placed right up against the west wall of the existing bungalow, but would out of necessity, be placed further west.
- The proposed two car parking spaces would diminish the garden of the donor property considerably and to the detriment of this dwelling and the spacious appearance of the surrounding area.
- There is extremely limited parking in the road.
- Access.
- Extra traffic and congestion.
- The two car parking spaces for the donor property are beside double yellow lines and would be close to the junction with Cranham Gardens.

- Highway safety particularly as Queens Gardens is on a bus route with a hail and ride service and the road is quite narrow.
- Nothing has changed except for the proposed ground floor bedroom has changed to living accommodation leaving two very small bedrooms on the upper floor.
- There is no change to the exterior of the planned building, therefore, this is still inadequate substandard accommodation.
- The internal layout of the dwelling could be changed at a later date into three bedroom accommodation.
- It is alleged that the owners of the existing bungalow were not allowed to extend it to make a second floor some while ago because the property occupies a corner position and is next to one storey bungalows on both sides, so a query was raised as to how a two storey structure can be located between these.
- A consultation letter dated 17<sup>th</sup> March was not received until 28<sup>th</sup> March 2017, which affected the timescale for submitting a response.
- The new drive and crossover for the existing bungalow is shown on the site plan for this development as being 4.8m wide, whereas the available space to create this driveway is only 3 metres between the existing bungalow and the double yellow lines. It is alleged that a Council's Highway Engineer has advised that there is not enough room for a driveway to accommodate two cars.
- The whole proposed dwelling is extremely small, is not comparable to any other in the vicinity and will harm the appearance of the road contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.
- It is alleged that the window on the west side of the existing bungalow is incorrectly placed, as it is further towards the centre of the west facing wall and would look out onto the two new proposed car parking spaces.
- This is a different application to the previous one, P1123.16 and should be considered afresh.
- It is alleged that the proposed dwelling does not meet the room and internal space standards of the DCLG Technical Housing Standard.
- It is alleged that the depth of the rear garden of the new dwelling was quoted as being longer than it actually is in the committee report for application P1123.16.
- Queried the size of the plots for both properties.
- Reference was made to Land Registry documents and restrictive covenants for the existing dwelling.
- Reference was made to Policies 3.34 and 3.5 (Sections A, B and C) of the London Plan.
- Referred to the following planning applications for back garden development which have been refused and these should be taken into account when assessing this planning application.
  - P1687.15 – 2 Ingrebourne Gardens, Upminster. Appeal dismissed.
  - P0054.17 – 52 Cranham Gardens, Upminster.
  - P0252.17 – 30 Swan Avenue, Upminster.
  - P0670.17 – 171A Moor Lane, Cranham.
  - P0157.17 – 59 Little Gaynes Lane, Upminster.

- Impact on property value.
  - The proposed dwelling is 0.5 metres higher and would have a greater impact on the surrounding properties and the streetscene.
  - There is only one pane of glass in the north facing dormer window, which would result in this small cramped room with a low ceiling being ill lit.
- 4.2 In response to the above, comments regarding general construction work in Queens Gardens are not material planning considerations, as they do not relate directly to the proposal, although noise and disturbance during construction can be addressed by appropriate planning conditions. There is no requirement to show neighbouring properties or put measurements on the plans, as they are to scale. The submitted block plan is the same plan as that previously submitted with application P1123.16, and is considered to be sufficiently accurate to determine this application.
- 4.3 It is noted that an outline planning application, P0074.86 for a detached two bedroom bungalow with integral garage was refused and dismissed on appeal. However, Staff consider that planning application P0074.86 and subsequent appeal decision are not material planning considerations as they were determined over 30 years ago and planning policies have changed.
- 4.4 In respect of comments regarding five other planning applications in Upminster and Cranham as well as previous planning applications on the site, each planning application is determined on its individual planning merits.
- 4.5 Comments regarding property value, loss of views and covenants are not material planning considerations. Given the internal layout of the proposed dwelling, Staff consider that bedrooms 1 and 2 do not have the appearance of bedsits. In response to comments regarding the siting of the two new car parking spaces in the garden of the existing bungalow, a condition would be placed stating that the proposed development shall be carried out in accordance with the plans if minded to grant planning permission. Staff consider that there is sufficient space to accommodate two car parking spaces in the front garden of the donor property. In the event that the position of the car parking spaces for the donor property needed to be changed, the agent could submit an application for a minor amendment and this would be assessed separately. The planning history of the site is covered under Section 3 of this report.
- 4.6 The first neighbour notification letter was sent on 17<sup>th</sup> March 2017 with a consultation deadline of 7<sup>th</sup> April. A second neighbour notification letter was sent out regarding some revised plans on 2<sup>nd</sup> June with a consultation deadline of 23<sup>rd</sup> June 2017.
- 4.7 In response to comments regarding planning application P0054.17 at 52 Cranham Gardens, Upminster, Staff consider that the two schemes are fundamentally different. P0054.17 sought consent for an outbuilding whereas this proposal seeks consent to convert and extend an existing

detached garage to new detached chalet style bungalow dwelling and there are different planning policies used to assess both types of development.

- 4.8 It is considered that the proposal and the characteristics of the application site are materially different to the erection of a new two storey dwelling at 2 Ingrebourne Gardens, Upminster under application P1687.15. The proposal seeks consent to convert and alter a detached garage, whereas application P0252.17 sought consent for a new end of terrace dwelling at 30 Swan Avenue, Upminster and the site characteristics were different.
- 4.9 Application P0670.17 - 171A Moor Lane, Cranham sought consent for a single storey outbuilding to be used as a granny annexe in the rear garden, which is materially different to the proposal. Application P0157.17 – 59 Little Gaynes Lane, Upminster sought consent for a new bungalow at the end of the rear garden and the characteristics of the site are materially different to this proposal. The donor and proposed dwellings have plot size of approximately 0.051 and 0.0281 hectares. The remaining issues are addressed in the following sections of this report.
- 4.10 The Highways Authority has no objection to the proposal subject to conditions regarding a pedestrian visibility splay, vehicle access and informatives if minded to grant planning permission.
- 4.11 Fire Brigade - No additional fire hydrants are required. The Brigade is satisfied with the proposals.
- 4.12 StreetCare Department - Waste and recycling sacks will need to be presented by 7am on the boundary of the property on Queens Gardens on the scheduled collection day.
- 4.13 Environmental Health - No objections or comments with regards to noise, contaminated land or air quality.

## **5. Relevant Policy**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC29 (Educational Premises), DC32 (The road network), DC33 (Car Parking), DC61 (Urban Design) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document (technical appendices).
- 5.2 Policies 3.3 (increasing housing supply), 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), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community

infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.

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

## **6. Mayoral CIL implications**

- 6.1 The proposed extensions to the existing garage have a gross internal floor area of 25m<sup>2</sup> and as such, are not liable for Mayoral CIL.

## **7. Staff Comments**

- 6.1 The current proposal is to convert and extend the existing detached garage to a new self-contained detached chalet style bungalow with dormer windows and roof lights. This proposal follows a previous application P1123.16 to convert and extend the existing detached garage to a new self-contained detached chalet style bungalow with dormer windows and roof lights, which was brought to the 17<sup>th</sup> November 2016 Regulatory Services Committee. Although the application was recommended for approval, Members resolved to refuse planning permission for the following reasons:

1) The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through lack of internal space. As a result, the development represents an overdevelopment of the site, which would be detrimental to future residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, Policy 3.5 of the London Plan (as amended) and the DCLG Technical Housing Standards.

2) In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

- 7.3 The current application differs from the refused scheme in the following key areas:

- The internal layout of the dwelling has changed and the dwelling has changed from a 3-bed 4 person dwelling to a 2-bed 3-person dwelling. Bedroom 1 on the ground floor has been changed to an open plan living room/study.
- Built in storage has been added to the ground floor of the bungalow.
- The ridge height of the hipped roof has increased from approximately 5.8m to 6.3 metres and the ceiling height for the bedrooms in the loft has increased from 2.2 to 2.3 metres.
- The gross floor area of bedroom 1 has increased from 11 to 12 square metres.
- Alterations to the design and enlargement of the rear dormer including increasing its height from approximately 2.2 to 2.8 metres.

- All the dormers have been shown on the cross section drawings.
- The proposed first floor plan indicates where the headroom falls below 1.5m on the proposed first floor plan.

7.4 The main issues in this case are the principle of development, density and site layout, the impact on the streetscene and neighbouring amenity and highway and parking issues.

## **8. Principle of Development**

8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for residential development according to DC61 of the DPD. Residential development in the form of one new dwelling would therefore not be unacceptable in land use terms.

8.2 Chapter 6 of the NPPF states that private residential gardens should no longer be classed as previously developed land, to afford Local Authorities greater control over garden development. However, this guidance does not mean that all forms of development on gardens are unacceptable and that issues of character and setting should still be taken into account.

## **9. Density/Site layout**

9.1 The application site covers an area of approximately 0.081 hectares. For this proposal of one dwelling this equates to a density of 12 dwellings per hectare, which is below the range anticipated by Policy DC2 for housing density, where the advised range for residential development in this part of the borough is 30-50 dwellings per hectare. It is considered however that the relatively low density of development on this site is acceptable in principle owing to the constraints presented by the form of the site and relatively small developable area, which would prevent the site from being successfully developed at a higher density.

9.2 Policy 3.5 of the London Plan states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set this at 70m<sup>2</sup> for a two storey, 2-bed 3-person dwelling. The DCLG Technical Housing Standard states that any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage. The dwelling has an internal floor space of 71 square metres (which has an internal ceiling height of 1.6m to 2.3m), which meets the recommended guidance for a 2-bed 3-person dwelling. The layout of the dwelling adheres to the Technical Housing Standards and therefore, the previous reason for refusal has been overcome. Staff consider that there would be sufficient light to bedroom 2.

9.3 Revised plans were submitted that involved increasing the ridge height of the bungalow from approximately 5.8m to 6.3 metres, increasing the internal ceiling height from 2.2m to 2.3m in the loft, altering the design and enlarging the rear dormer window, altering the internal layout of the dwelling, changing

it from a 3-bed 4 person dwelling to a 2-bed 3-person dwelling, adding built in storage on the ground floor of the bungalow, showing all the dormers on the cross section drawings, indicating where the headroom falls below 1.5m on the proposed first floor plan and increasing the size of bedroom 1 from 11 to 12 square metres. Taking into account the above changes, Staff consider that the proposal meets all the criteria of the DCLG Technical Housing Standard.

- 9.4 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. Although it has been suggested by an objector that the measurement of the land at the back of the proposed dwelling appears to be incorrect, as it's given at 14.7 metres when it is actually under 14 metres and the block plan is out of date, Council policy does not stipulate a minimum rear garden depth or the size of amenity area for a proposed dwelling. In terms of amenity space provision, the proposed dwelling would have a private amenity space of approximately 139 square metres. Staff are of the view that the proposed rear garden area is acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.
- 9.5 It is considered that the retained amenity space for No. 11 Queens Gardens is acceptable, as it has a rear garden depth of approximately 12 metres and in conjunction with a boundary treatment condition, would be private and screened from general public view.

## **10. Design/Impact on Street/Garden Scene**

- 10.1 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. Development must therefore complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.
- 10.2 Given its siting and layout, the front and side elevations of the proposed dwelling would be visible and relatively prominent in the streetscene. As such, the impact of the scale and bulk of the proposed dwelling requires careful assessment. Staff consider that the plot size of the application site is comparable to other dwellings in the vicinity of the site. In addition, there are other single storey dwellings that have accommodation in the roof space in Queens Gardens. Staff consider that increasing the height of the hipped roof from 5.8m to 6.3m would not materially affect the character or appearance of the dwelling in the streetscene. The visual impact of the previous proposal was considered to be acceptable.
- 10.3 Staff consider that the two proposed off street car parking spaces for the donor property, including changes to the fencing, would not adversely affect the streetscene.

## **11. Impact on Amenity**

- 11.1 No. 9 Queens Gardens has a front door with glazed panels either side and above, which serve a hallway on its north western flank wall. Beyond this, there is a three pane window that serves a lounge/dining room and is a secondary light source with patio doors with timber and glass panels either side to the rear, which leads onto a lean-to structure. Staff consider that the existing flat roofed garage of No. 11 Queens Gardens has resulted in some loss of light to the hallway and lounge/dining room of No. 9. When reviewing the merits of this application, consideration was given to the fact that the hallway is not a habitable room and the flank window to the lounge/dining room is secondary light source. Given the flank to flank separation distance of approximately 3.3 metres (as shown on the plans) between No. 9 Queens Gardens and existing impact of the garage, Staff consider that the proposed development would not result in a significant loss of amenity to No. 9 Queens Gardens (including loss of light and outlook). Furthermore, both the existing garage and the proposed development do not impede a 45 degree notional line taken from the window sill of the lounge/dining room flank window of No. 9 Queens Gardens
- 11.2 It is considered that the proposal would not result in a significant loss of amenity to the donor property, given that there would be a rear to flank separation distance of approximately 13 metres.
- 11.3 Given the separation distances between neighbouring properties and the proposed dwelling, Staff consider that the proposed development would not result in a significant loss of amenity (including overlooking or loss of privacy) to adjacent occupiers. This is same conclusion as was reached in connection with the previous proposal.
- 11.4 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the amenities of neighbouring occupiers.
- 11.5 There would be two roof lights serving the stairwell on the south eastern flank of the proposed dwelling and these could be obscure glazed if minded to grant planning permission to protect neighbouring amenity. Details of landscaping and boundary treatment will be secured by condition.
- 11.6 Staff consider that the two proposed off street car parking spaces for the donor property would not result in material harm to neighbouring amenity over and above existing conditions. It is considered that the proposal would not result in significant levels of traffic, congestion, noise, disturbance or fumes to neighbouring properties, over and above the existing use of the



garage and the existing car parking arrangements and as it would serve one dwelling.

- 11.7 Staff consider that the two proposed off street car parking spaces would not result in material harm to the amenity of the donor property, particularly as they would be within their control.

## **12. Highway/Parking**

- 12.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The application site is in PTAL 1b. The Council's parking standard is 1.5-2 spaces per unit. The London Plan has a car parking standard of up to 2 spaces per unit within PTAL 0-1. In total 4 parking spaces are proposed for the new dwelling and the donor property which is sufficient. The proposal involves altering and removing the fencing adjacent to the proposed car parking spaces. A new crossover is required and this can be secured by condition. The Highway Authority had no objection to the proposals and recommends two conditions regarding a pedestrian visibility splay and vehicle access and informatives if minded to grant planning permission. The Highway Authority has advised that there is no objection to creating a vehicle access for the two car parking spaces for the donor property irrespective of the double yellow lines in Queens Gardens. Details of refuse storage will be secured by condition if minded to grant planning permission. It is considered that the proposal would not create any highway or parking issues.

## **13. Section 106**

- 13.1 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.
- 13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 13.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 13.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. One new dwelling will equate to a contribution equating to £6,000 for educational purposes.

## **14. Conclusion**

- 14.1 Staff consider the site to be acceptable in principle for residential development. Staff consider that the proposal would not result in material harm to the character and appearance of the streetscene. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. Staff consider the amount and configuration of the parking proposals to be acceptable. There would be a financial contribution of £6,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in

accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None

### **Legal implications and risks:**

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

### **Human Resources implications and risks:**

None

### **Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity.