

# REGULATORY SERVICES COMMITTEE

21 September 2017

## REPORT

**Subject Heading:**

**P1090.17**

63 Pettits Lane, Romford

First floor side extension, single storey rear extension, demolition of a garage, the creation of two additional car parking spaces and a revised car parking layout.

(Application received 30-06-2017)

**SLT Lead:**

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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**

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

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

## SUMMARY

This matter is brought before committee as the applicant is related to a serving Councillor. This proposal seeks consent for a first floor side extension, single storey rear extension, the demolition of a garage, the creation of two additional car parking spaces and a revised car parking layout. 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. It is recommended that planning permission be granted subject to conditions.

## RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions:

### 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

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 9 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.

#### **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. Parking provision**

Before the development hereby approved is completed, the area set aside for car parking as shown on P6217 (SHT 10) 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.

#### **6. 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.

#### **7. 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.

## **8. 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 dwelling, 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 Mrs Patricia Trew on the telephone on 24<sup>th</sup> August 2017. The revisions involved reducing the width of the single storey rear extension from approximately 9.5 metres to 6.7 metres. The amendments were subsequently submitted on 5<sup>th</sup> September 2017.

### **2. 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.

<b>REPORT DETAIL</b>
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### **1. Site Description**

- 1.1 The application site comprises a two storey detached building occupied by Truly Scrumptious Early Years Nursery, which is located on the junction of Pettits Lane and Havering Drive, Romford. There are residential properties surrounding the site.

## **2. Description of Proposal**

- 2.1 The application is for a first floor side extension, a single storey rear extension, the demolition of a garage, the creation of two additional car parking spaces and a revised car parking layout.
- 2.2 The first floor side extension would have a depth of 12.4 metres, a width of 2.7 metres and a height of 7.25 metres. The space created would be utilised as a play area. The single storey rear extension would have a depth of 3 metres, a width of 6.7 metres and a height of 2.8 metres with a flat roof (not including two roof lanterns). The space created would be utilised as a play area.
- 2.3 The following discrepancies appear on the plans, although these have not affected the determination of this application:
- The footprint of the neighbouring dwelling at No. 61 Pettits Lane is incorrect, as the rear façade of its single storey rear extension is not in alignment with the rear façade of the single storey rear extension of No. 63 Pettits Lane.
  - The canopy roof to the rear of the building is not shown on the existing floor plans or elevations.
- 2.4 During a telephone conversation, the applicant advised that the nursery has 30 children and the number of children would remain the same for this application.

## **3. History**

P0207.17 – First floor side extension, single storey rear extension, demolition of garage, creation of two additional car parking spaces and revised car parking layout – Refused.

P1581.13 – Single storey side extension – Approved.

A0002.13 – Retention of 3 No. non-illuminated fascia signs – Approved.

Q0177.11 – Discharge of condition 7 of P0322.11 – Discharged in part.

P0322.11 – Revised parking layout to create an additional parking space with relocated boundary fencing – Approved.

P0301.11 – Variation of condition 4 of planning application P2091.04 to increase the number of children on site from 20 to 30 – Approved.

P1212.10 – Single storey pavilion to rear garden – Approved.

P1211.10 – Variation of condition 3 and 4 of P2091.04 to increase the number of children on site from 20 to 34 and the number of children allowed outside from 10 to 20 – Withdrawn.

P2091.04 – Permanent retention of day nursery at first floor – Approved.

P1593.03 – Further of temporary planning permission for a further one year (use of first floor as childrens day nursery) – Approved.

P0597.02 – Erection of 2 no. covered ways and change of use to first floor from domestic to early years centre – Approved.

P1470.99 – Single storey side extension and change of use of ground floor to day nursery with self-contained flat above for use of the proprietor – Approved.

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

4.1 The occupiers of 22 neighbouring properties were notified of this proposal. Two letters of objection were received with detailed comments that have been summarised as follows:

- Parking.
- Access, traffic and congestion.
- Noise and disturbance.
- The proximity of the proposed development to neighbouring properties.
- Demolishing the garages will lead to more noise from car doors opening and closing and engines starting up.
- It is alleged that the nursery opens up at 6.30am.
- There are plenty of nurseries in the area, without adding to this one.
- It is alleged that in the holidays, the nursery has the siblings of the children staying in the nursery.
- Impact on residential amenity.
- Refuse.
- The extension is too big.
- Objects to the single storey rear extension, which would increase the footprint of the property by nearly one quarter and appear intrusive.
- Impact on sense of open space and quality of garden.
- Loss of views and outlook due to the proximity and length of the rear extension.
- Highway and pedestrian safety.
- It is alleged that some parents do not use the car parking spaces for dropping off and picking up children.
- The rear extension is intrusive, would introduce a sense of enclosure and impact upon residential amenity.
- Loss of privacy.
- Noise and pollution during construction works.
- Concerns that the proposal will increase the number of children at the nursery resulting in noise, disturbance and nuisance harmful to residential amenity.
- Size and siting of the proposed extension would adversely impact on the scale and character of the dwelling.
- Impact on property value.

- 4.2 In response to the above, comments regarding property value are not material planning considerations. The nursery has 30 children and the number of children would remain unchanged for this application. Noise and disturbance during construction can be addressed by appropriate planning conditions. Each planning application is assessed on its individual planning merits. The remaining issues are addressed in the following sections of the report.
- 4.3 The Highways Authority has no objection to the proposal subject to a condition regarding a pedestrian visibility splay if minded to grant planning permission.
- 4.4 Historic England - The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- 4.5 Environmental Health - No objections or comments with regards to this application in terms of contaminated land or air quality. There is no objection in terms of noise, as there is no increase in numbers of staff and/or children proposed.

## **5. Relevant Policy**

- 5.1 Policies CP8 (Community needs), CP17 (Design), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) and DC62 (Access) of the Local Development Framework and the Residential Extensions and Alterations SPD.
- 5.2 Policies 3.18 (Education facilities), 7.13 (Safety, security and resilience to emergency) and 7.4 (Local character) of the London Plan 2011.
- 5.3 Chapters 4 (Promoting sustainable transport) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

## **6. Mayoral CIL implications**

- 6.1 The proposed extensions have a combined gross internal floor area of 53 square metres and as such, are not liable for Mayoral CIL.

## **7. Staff Comments**

- 7.1 This application is a resubmission of an earlier application, P0207.17, for a first floor side extension, a single storey rear extension, the demolition of a garage, the creation of two additional car parking spaces and a revised car parking layout, which was refused planning permission for the following reason.

The proposed development would, by reason of its excessive depth and position close to the south eastern boundary of the site, be an unneighbourly development and appear overbearing, visually intrusive and result in an undue sense of enclosure, which would be harmful to the amenity of No. 61 Pettits Lane and contrary to Policy DC61 of the LDF Core

Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

- 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 depth of the single storey rear extension has been reduced from 7 metres to 3 metres.

- 7.3 Following further negotiations with the applicant on 24<sup>th</sup> August 2017, the width of the single storey rear extension has been reduced from 9.5 metres to 6.7 metres.

- 7.4 The main issues in this case are the impact of the proposal on the streetscene and neighbouring amenity and highway and parking issues.

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

- 8.1 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.

- 8.2 There are no objections to demolishing the double garage. It is considered that the first floor side extension would integrate satisfactorily with the existing building. The first floor side extension would be set in between approximately 2.3 and 6 metres from the northern boundary of the site and as such, would not appear cramped in the streetscene. The plans refer to matching roof tiles and a light grey painted render finish for the first floor side extension, which are deemed to be acceptable and can be secured by condition if minded to grant planning permission. The building is currently painted yellow and the applicant has advised that it will be painted a light grey colour and this does not require planning consent.

- 8.3 There would be some views of the single storey rear extension from Havering Drive, although it would be partly screened by the timber fence on the northern boundary that is approximately 1.8m high and the pitched roof of the pavilion in the garden of the site. The single storey rear extension would be set in between approximately 6 and 7 metres from Havering Drive, which would help to mitigate its impact. The rear extension has a flat roof with a height of 2.8 metres, which minimises its bulk. Taking into account the above factors, Staff consider that the single storey rear extension would not have a detrimental impact on the streetscene.

## **9. Impact on Amenity**

- 9.1 It is considered that No. 65 Pettits Lane would not be adversely affected by the proposal, as it's located on the opposite side of Havering Drive. Also, the



first floor side extension would be set in between approximately 2.3 and 6 metres from the northern boundary of the site, which would help to mitigate its impact. It is considered that the proposal would not create any undue overlooking or loss of privacy, as the first floor side extension features three high level flank windows, which would be 1.7m above the internal floor level.

9.2 It is noted that the footprint of the neighbouring dwelling at No. 61 Pettits Lane is incorrect on the existing and proposed site plans, although this has not affected the determination of this application. It is considered that the first floor side extension would not adversely affect No. 61 Pettits Lane, as it would not be sited on its flank boundary. From front to back, No. 61 Pettits Lane has a ground floor flank window that serves a hallway, a flank door to a utility room and a window serving a cloak room/W.C. No. 61 Pettits Lane has a single storey rear extension with a depth of 4 metres (adjacent to No. 63 Pettits Lane), which was approved under application P0876.06 and there is a clear glazed canopy roof structure to the rear of this, the latter does not appear to benefit from planning permission.

9.3 Although the Residential Extensions and Alterations SPD applies to residential dwellings, Staff consider that its principles can be applied here given that the nursery building formerly a dwelling and it is surrounded by other houses.. It is considered that the proposed single storey rear extension would not result in a significant loss of amenity to No. 61 Pettits Lane, as it does not impede a 45 degree notional line taken from the north western boundary of No. 61 Pettits Lane and it would be partly screened by the existing canopy roof to the rear of the building. The rear extension is single storey, has a flat roof that minimises its bulk and its height of 2.8 metres (not including the roof lanterns) complies with the Residential Extensions and Alterations SPD. Staff consider that the single storey rear extension and to a lesser extent, the clear glazed canopy roof structure to the rear of No. 61 Pettits Lane would help to mitigate the impact of the proposal. It is considered that reducing the depth of the single storey rear extension from 7 to 3 metres and reducing its width from 9.5 metres to 6.7 metres has brought the proposal within the realms of acceptability. It is considered that the single storey rear extension would not result in any undue overlooking or loss of privacy, as it does not feature any flank windows.

9.4 It is considered that demolishing the double garage and the addition of two car parking spaces would not result in a significant loss of amenity to No. 68 Havering Drive over and above existing conditions, as there is a timber paling fence on the south western boundary of the site, which would provide some screening. In addition, the flank wall of No. 68 Havering Drive is set off the south western boundary of the site by approximately 2 metres, which would help to mitigate the impact of the proposal.

## **10. Highway/Parking**

10.1 There are 9 full time and 6 part time existing employees. There would be 1 full time and 2 part time proposed employees. The site has a PTAL rating of

1b. Annexe 5 of the LDF states that the parking standard is 1 space for each member of staff and a dropping off area will also need to be provided. There are seven existing car parking spaces, including the double garage. The proposal involves demolishing the double garage and the provision of six parking bays on hardstanding. The proposal has a total of nine car parking spaces.

- 10.2 It is considered that the proposal would not create any parking or highway issues for the following reasons. The applicant has advised that six parking spaces would be for staff and there are three parking bays for dropping off children. In addition, some members of staff live within walking distance of the nursery; some use public transport and some make their own travel arrangements. Also, nursery staff work different hours and the applicant has a rota for staff that use the six car parking spaces. Staff consider that the level of parking provision for staff would be acceptable in this instance. The proposal includes the provision of two additional parking spaces. There are parking restrictions in the locality of the site between 8.30am and 6.30pm. There is space for dropping off children adjacent to the northern boundary of the site and on the opposite side of Havering Drive, which can be used outside of the hours of the parking restrictions. The Highway Authority has no objection to the proposal.

## **11. Trees**

- 11.1 There is an ash tree in the rear garden of No. 61 Pettits Lane, which is not subject to a Tree Preservation Order. The ash tree has some public amenity value and makes a contribution to the streetscene, including Havering Drive. The applicant has submitted a Tree Survey for this application, which stated that the ash tree appears to be in good health with normal growth. The proposed single storey rear extension would be a minimum separation distance of approximately 10 metres from the ash tree. Given that the depth and width of the rear extension have been reduced and taking into account the separation distance above, Staff consider that it would not adversely affect the ash tree in the rear garden of No. 61 Pettits Lane.

## **12. Conclusion**

- 12.1 It is considered that the first floor side and single storey rear extensions would not adversely affect the streetscene, would not result in a significant loss of amenity to neighbouring properties and would not create any highway or parking issues. Accordingly, it is recommended that planning permission is granted.

## IMPLICATIONS AND RISKS

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

None

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

This application has been reviewed and there are no legal implications arising.

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

None.

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

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