



REGULATORY SERVICES COMMITTEE

16 November 2017

REPORT

Subject Heading

P1021.17: 214 Wingletye Lane

Demolition of existing garage and construction of dwelling with off street car parking and private amenity.

(Application received 17 June 2017).

Ward:

Emerson Park

SLT Lead:

Steve Moore
Director of Neighbourhoods

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

This application seeks permission for the demolition of the existing garage and the construction of a new bungalow with retained car parking provision for the host property.

The development is considered to be unacceptable because of the impact of the proposal on the character of the area, it is therefore recommended that planning permission is refused.

The application is subject to call in by Councillor Glanville if the application is to be recommended for approval on the basis that the development is forward of the building line and would create car parking problems and Councillor Kelly if the application is to be recommended for refusal on the basis that the development is in keeping with the area and the off-setting of the building line fits in with the aspect of the corner position.

RECOMMENDATIONS

That authority be delegated to the Assistant Director of Development to refuse planning permission, subject to the reasons outlined below:

1. The proposed development would, by reason of its location, size and forward projection in front of the building line with dwellings along Wych Elm would appear as an overly dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the Residential Design SPD and London Plan Policy 7.4 .
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.

INFORMATIVES

1. Refusal and CIL

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,800. Further details with regard to CIL are available from the Council's website.

2. Refusal of negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the applicant's agent by email on 31 July 2017.

REPORT DETAIL

1. Site Description

1.1 The application site is located to the rear of 214 Wingletye Lane and comprises of the garage and part of the rear garden of this property. The site is at the junction of Wych Elm Road with the south side of the road comprising mainly of detached bungalows of varied design and appearance. The northern side of the road is dominated by two storey dwellings. The area is residential in character and includes dwellings of varied design and appearance.

2. Description of Proposal

2.1 Planning permission is sought for the demolition of the existing double garage and its replacement by a bungalow along with two car parking spaces and associated amenity space. Two car parking spaces will also be retained for the host property at 214 Wingletye Lane.

2.2 The proposed bungalow would have a staggered footprint with a maximum depth of 12m and maximum width of 10m to the rear elevation. The height of the building would be 5.5m to its ridge.

3. History

3.1 None relevant

4. Consultation/Representations

4.1 Twenty five neighbouring occupiers were notified along with Emerson Park & Ardleigh Green Residents Association and 10 letters of objection have been received for the following reasons:

- the building would take up most of the plot
- out of character
- bungalow being shoe-horned into the plot

- increased traffic & traffic hazard
- construction will cause noise and disturbance
- a party wall runs along the left side of 212a Wingletye Lane where the dwelling is proposed. This would block light and inhibit views and infringe privacy as well as increasing noise.
- loss of view
- the proposed bungalow would be close to the pavement, forward of the building line and would appear incongruous the proposal would set a precedent contrary to policy DC61 Urban Design which states that: "development should respond to local patterns of development and complement or improve the amenity and character of the area through layout and integration with surrounding land & buildings".

4.2 Highway Authority - No objections, subject to conditions.

4.3 Response to concerns raised.

4.4 It is considered that although the development would occupy a substantial part of the plot, it is within an acceptable density range and the proposed amenity space is functional and therefore acceptable. Issues relating to character, traffic and light are addressed in the body of the report.

4.5 Party wall and ownership issues are private matters outside the scope of planning considerations, while matters relating to noise and disturbance during construction may be addressed by condition if the application were considered acceptable.

5. Relevant Policy

5.1 Policies CP17 (Design), DC26 (Location of community facilities), DC29 (Educational Facilities), DC34 (Walking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Policies 3.18 (Education Facilities), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime) and 7.4 (local character) of the London Plan, are material considerations.

5.3 The National Planning Policy Framework, specifically Sections 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff Comments

6.1 This application is reported to Committee as it is subject to a call in by Councillor Kelly if the application is to be recommended for refusal as he

considers that the development is in keeping with the area and the off-setting of the building line fits in with the aspect of the corner position.

6.2 Councillor Glanville has also requested that the application be called in if it is to be recommended for approval as he considered it to be forward of the building line and creating parking problems.

6.2 The main issues for consideration relate to the principle of development, design, layout, impact on the street scene, impact on the amenities of neighbouring occupiers and car parking.

7. Principle of Development

7.1 The NPPF excludes private garden land from its definition of previously developed land, which is also known as brownfield land. This is not to say that development of garden land is inappropriate, however each proposal will be judged on its own merits. Policy CP1 indicates that outside town centres and the Green Belt, priority will be given on all non-specifically designated land for housing. The proposal is for redevelopment of an existing, residential site. The principle of residential development is therefore considered acceptable in land use terms and the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within an established urban area.

8. Density and Layout

8.1 Policy DC2 of the Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.8.2 The proposal would provide a single residential unit at a density equivalent to approximately 33 dwellings per hectare. This is in keeping with the aims of Policy DC2 which states that a dwelling density of between 30-50 dwellings per hectare would be appropriate in this location.8.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The DCLG Technical housing standards require that new residential development conforms to nationally described minimum internal space standards.

8.4 The proposal would provide a single residential unit with three bedrooms to accommodate 5 people with a floor area of 90 sq.m. The DCLG technical standard requires a minimum floor area of 86 sq.m for the size of dwelling proposed. The proposal would therefore meet the required minimum standards and is therefore acceptable in this respect.

8.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.

8.6 The retained amenity space for the host property would measure 56.sq.m and located immediately to the rear of the dwelling. The amenity provision for the proposed dwelling would measure 42 sq. m and would also be situated to the rear of the proposed development.

8.7 Although both the amenity space for the retained dwelling and the proposed dwelling would be compact and smaller than the gardens serving neighbouring dwellings, it is considered that the retained amenity space for both dwellings would be functional and of acceptable quality and as such would be fit for the purpose of meeting the amenity needs of future occupiers.

9. **Design/Impact on Street/Garden Scene**

9.1 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies DC61 and CP17 of the Core Strategy and Development Control Policies Development Plan Document accord with the NPPF in requiring development to be satisfactorily located and of a high standard of design and layout, requiring development to maintain or improve the character and appearance of the local area in terms of scale and design.

9.2 The proposed bungalow would include a staggered footprint with varied roof pitches. The main roof would be hipped with a gabled section to the front facing north elevation of the building. The main entrance would be set in to the eastern elevation of the building with the rear elevation to the garden including windows and glazed doors.

9.3 Viewed within the context of the site and its surroundings, it is considered that the bungalow would appear bulky and overly dominant in its location forward of the building line with the adjacent property No. 2a and the general pattern of development along Wych Elm Road.

9.4 Wych Elm Road falls away from west to east and when viewed from long range vantage points along this road the proposed building would be uncharacteristically prominent and as such would dominate views along the street.

9.5 In addition, it is considered that the cramped nature of the development would be out of keeping with the layout and setting of bungalows along the south side of the road. The main feature of which is the spacious plots and the set back from the road. This setting would be prejudiced by the forward siting and setting of the proposed dwelling.

10. Impact on Amenity

- 10.1 Policy DC61 considers that new development should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 10.2 The nearest affected property would be 2A Wych Elm Road which is a bungalow on the eastern side of the application site. The proposed building would be L shaped and set forward of the front main wall of no. 2A by 2.3m at its nearest point and some 9m at its furthest point. The L shape of the proposed building would minimise the overall impact of the proposed building upon the neighbouring property.
- 10.3 The host property no. 214 Wingletye Lane is on the western side of the application site some 15.5m away. In addition the proposed development includes main windows to Wych Elm Road with a secondary bedroom window on its western elevation which, if the scheme were acceptable, could be conditioned to include obscure glazing to avoid any loss of privacy to the host property.
- 10.4 In relation to the impact of the development on the amenities of nos. 212 and 212A Wingletye Lane, the gardens of these dwellings back on to the application site and these dwellings are 16m and 27m away. Moreover given the single storey nature of the proposed development it is not considered that it would be overly intrusive or result in any loss of sunlight or daylight. If the scheme were acceptable, a condition could be imposed withdrawing permitted development rights for loft extensions and alterations.

11. Highway/Parking

- 11.1 This site/area has a low PTAL of 1a and as such the required parking standard would be a maximum of two spaces per dwelling. The application involves loss of the existing garage on the site but the submitted plans show 2 parking spaces to the front of the proposed dwelling and two spaces for the host property. The concerns raised about car parking and increased congestion and hazards have been taken into account. However, it is considered that the provision is in accordance with the requirements outlined in Policy 6.13 of the London Plan. No objections have been raised by the Highways officer and it is not considered that the development would give rise to any significant car parking or issues that are likely to result in hazardous conditions.

12. Mayoral Community Infrastructure Levy

- 12.1 The proposal is liable for Mayoral CIL as it would result in one additional residential unit with 90 square metres of gross internal floorspace created.

On the basis of a charge of £20.00 per square metre, the proposal would incur a charge of £1,800, subject to indexation.

13. Infrastructure Impact of Development

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.

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 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.

13.2 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.

13.3 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.

13.4 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.

13.5 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for 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, unless the development is within an

area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.

13.6 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. It is considered that a contribution equating to £6,000 per dwelling for educational purposes would be appropriate.

13.7 As this application involves a single dwelling, contributions of £6,000 will be required towards education in the borough.

14. Conclusion

14.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations it is considered that the proposed development would be out of keeping with the distinctive character of the streetscene and area in general and would represent an unacceptable and over-dominant form of development and as such refusal is recommended.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

None

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

Application form and drawings received 19 June 2017