



REGULATORY SERVICES COMMITTEE

16 November 2017

REPORT

Subject Heading:

P1080.17

35 Limerick Gardens, Upminster

Conversion and extension of existing garage to annexe.

(Application received 14 July 2017).

SLT Lead:

Steve Moore - Director of Neighbourhoods

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

SUMMARY

This application seeks permission for the conversion and extension of an existing garage at the foot of the rear garden to enable it to be used as a granny annexe. Proposed plans suggest that the annexe will consist of one bedroom with ensuite facilities together with a store and living area. The proposed granny annexe does not provide self-contained facilities. The applicant has confirmed that the proposed granny annexe will be occupied by a disabled elderly relative.

A legal agreement is required to ensure that the granny annexe shall be used only for living accommodation ancillary to the existing dwelling known as 35 Limerick Gardens, Upminster, and shall not be used as a separate unit of residential accommodation at any time. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

RECOMMENDATIONS

That the application is unacceptable as it stands but would be acceptable subject to applicant entering into a Section 106 Legal Agreement to secure the following obligations by 16 March 2018 and in the event that the Section 106 agreement is not completed by such date the application will be refused:

- That the residential annexe hereby approved shall be permanently retained as an annexe to the existing dwelling at 35 Limerick Gardens, Upminster 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 authority be delegated to the Assistant Director of Development 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. Materials

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 11 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. Adapted doors condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no doors other than those expressly authorised by this permission shall be constructed in the elevations of the building hereby permitted.

Reason: To prevent the creation of a separate access on to the access drive at the rear, in the interests of amenity and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. Balcony condition

The roof area of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

6. Removal of PD Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3, Schedule 2, Part 2, Class A, the rear garden shall not be subdivided and no additional gates, walls or enclosures shall be erected or constructed within the existing boundaries of the site without permission under the provisions of the Town and Country Planning Act 1990 being sought and obtained in writing from the Local Planning Authority.

Reason: In order that the annexe approved remains ancillary to the main dwelling, in the interests of amenity, to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

7. Removal of PD Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015(as amended) Article 3, Schedule 2, Part 1, Class A, no extensions shall be erected 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 the interests of amenity, to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is to the rear garden of a two storey, mid-terrace dwelling located on the north side of Limerick Gardens. The property has been extended previously by means of a single storey rear extension and loft conversion with a rear dormer extension. There is off-street parking for two cars to the front on hardstanding. The property also benefits from an existing detached garage to the rear which is served by an access road via Sunnycroft Gardens.
- 1.2 The locality is predominantly residential in character, typified by two storey terraced properties which include existing garages and outbuildings to the rear garden.

2. Description of Proposal

- 2.1 Permission is sought to convert and extend an existing detached garage at the foot of the rear garden to enable it to be used as a granny annexe.
- 2.2 The proposed building will be approximately 2.5m high featuring a flat roof and about 8.5m in depth with a maximum width of approximately 5.1m. The proposed granny annexe will have an internal floor space of about 36.7 sq.m. Existing windows/doors will be replaced by new windows and doors proposed to the front and rear elevations. A 'cream' rendered finish is proposed to the front and rear elevations, the side elevations will be facing-brick due to restricted access.
- 2.3 Plans indicate the granny annexe to consist of one bedroom with ensuite facilities together with a store and living area. The proposed granny annexe does not provide self-contained facilities. The applicant has confirmed that the proposed granny annexe will be occupied by a disabled elderly relative.

3. History

- 3.1 D0019.15 - Certificate of lawfulness for proposed Single Storey Rear Extension, loft Conversion with rear dormer window & soil vent pipe - approved on 24.03.2015.

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to neighbouring properties informing of them of the application. No representations were received.
- 4.2 Environmental Health - No objections.

5. Relevant Policy

- 5.1 Policies DC33 (Car Parking), DC55 (Noise) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered material together with the Residential Extensions and Alterations Supplementary Planning Document.
- 5.2 Policies 7.4 (local character), 7.6 (Architecture) and 6.13 (Parking) of the London Plan, are material considerations.
- 5.3 The National Planning Policy Framework, specifically Section 7 (Requiring good design) is relevant to this proposal.

6. Design/Impact on Street/Garden Scene

- 6.1 The existing garage is positioned at the foot of the rear garden, against the northern boundary of the site, thus not visible from Limerick Gardens or any other surrounding streets. Given these circumstances, the proposed conversion and extension of the existing garage to a granny annexe would not impact upon the character of the streetscene.
- 6.2 With regard to the rear garden scene, it is acknowledged that there are several existing outbuildings situated within the surrounding rear gardens of the neighbouring properties along Limerick Gardens. The proposed granny annexe would project 3m further forward than the existing garage. The height of the granny annexe would remain the same as the existing garage and the extended part will be slightly less wide than the existing garage. Although the proposed building will be larger than most immediate neighbouring garages/outbuildings, the proposed granny annexe would appear as a simple box-like structure, giving a similar appearance to existing neighbouring garages/outbuildings within the vicinity. In addition, it is recognised that the existing garage is set further rearwards than other neighbouring garages/outbuildings towards the east, which would visually reduce the impact of the proposed extension when viewed from the rear garden environment.
- 6.3 For the reasons mentioned above, it is considered that the proposed granny annexe would not appear out of character with the established garden scene and therefore is not considered to be unduly harmful to the surrounding area.

7. Impact on Amenity

- 7.1 The Residential Extensions & Alterations SPD states that outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing,

loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

- 7.2 To the north of the existing garage lies an access road which would mitigate any severe impact caused to the neighbours situated along Laburnham Gardens. With regards to the attached neighbours, the scale and siting of the proposed annexe is not considered to create a material loss of amenity in terms of loss of outlook, overbearing impact or visual intrusion. In addition, the proposed annexe is set to the north of the attached neighbours and thereby the loss of daylight/sunlight would be negligible.
- 7.3 The annexe would not provide its occupiers with the normal standards of outlook and private amenity space expected. However, as it is not to be used as a self-contained unit and is entirely in an ancillary capacity, staff are of the view that these shortcomings are not so great as to justify refusing the application.
- 7.4 Staff consider that there would be comings and goings to the annexe and increased use of the garden area in a general sense but no more so than an outbuilding in use as a hobby, games and garden room, particularly in the summer months. As such, staff are of the view that the conversion and extension of the existing garage to an granny annexe would not give rise to an unacceptable level of noise and disturbance and would be unlikely to give rise to significant adverse impacts.
- 7.5 It is still considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional door openings in the proposed building, to avoid the potential for a separate access to be created on to the access drive at the rear. It is also considered necessary to impose a condition to remove permitted development rights in Class A for extensions that could result in further intensification of use of the curtilage to the possible detriment of neighbouring residents' living conditions and reduction in the amount of amenity space provision. Officers also consider it necessary for this condition to remove the PD rights under Class A Part 2 for fencing and walling as these rights could result in the curtilage being subdivided. The occupancy of the annexe will be restricted to purposes connected to the residential use of the main dwelling at 35 Limerick Gardens secured through the applicant entering into a Section 106 Legal Agreement.
- 7.6 In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

8. Highway/Parking

- 8.1 Although the proposal involves the loss of an existing garage, sufficient off-street parking for two cars will remain onsite in accordance with the provisions of Policy 6.13 of the London Plan. The proposed development would not severely impact upon the use and efficiency of the highway.

9. Mayoral Community Infrastructure Levy

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

10. Conclusion

10.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, the Residential Extensions & Alterations SPD and all other relevant local and national policy, consultation responses and all other material planning considerations, the proposed granny annexe would demonstrate clear connections with the main dwelling and its use would be entirely in an ancillary capacity to No.35 Limerick Gardens. The development would not harm the established rear garden setting and officers are of the opinion that the proposal would not result in an undue impact on the amenity of neighbouring residents.

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.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 14 July 2017.