

 Havering LONDON BOROUGH	Planning Committee 7 June 2018
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Application Reference:	P1386.17
Location:	158 Albany Road, Hornchurch
Ward:	Hylands
Description:	Retrospective application for single storey outbuilding in rear garden for personal and business use
Case Officer:	Suzanne Terry
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 The visual impact of the outbuilding is acceptable and not out of keeping with the locality. Furthermore, the scale and siting of the building is not judged to result in material harm to neighbouring amenity. The stated use of the building is for personal use of the applicant and family and not as a commercial use. No material amenity issues or parking and highway issues are therefore considered to result.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to conditions to secure the following matters:

Conditions

1. Use of Outbuilding

Informatives

1. INF28 Approval without Amendment
2. Highway Works

3 PROPOSAL AND LOCATION DETAILS

3.1 Proposal

- This application seeks the retention of a detached outbuilding, which has been constructed in the rear garden of the application site.
- The outbuilding has a floor area of some 46 square metres and has a slightly sloping roof, ranging from 2.8m high at its eastern end to 2.6m at its western end. The building has a painted, render external finish.
- The stated use of the outbuilding is for use as a study/craft room together with a home office for personal use of the applicants and their immediate family

3.2 Site and Surroundings

- The application site is a semi-detached, residential dwelling located on the western side of Albany Road.
- The rear boundary of the site adjoins the flank boundary of the residential property at 2b Hartland Road
- The outbuilding, which is the subject of this application, has already been constructed within the rear garden of the application site.

Planning History

3.3 The following planning decisions are relevant to the application:

P0932.17 Proposed single storey rear, single storey side wrap around extension and loft conversion with front & rear dormers and juliet balconies. Refused on grounds of visual impact in streetscene.

P1417.17 Single storey rear extension, the addition of two small front dormers and the retention of the side extension and extension of the side extension roof to sit more in keeping with the existing roof shape. Approved and development implemented.

P1418.17 Single Storey 4 meter Rear Extension and the retention of the single storey side extension. Approved and development implemented.

4 CONSULTATION RESPONSE

4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

4.2 The following were consulted regarding the application:

- 4.3 Highways: No objection subject to completion of new access to the highway and removal of redundant access on to Hartland Road. Recommend informatives relating to works affecting the public highway.

5 LOCAL REPRESENTATION

- 5.1 A total of 9 neighbouring properties were notified about the application and invited to comment.

- 5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 3, which all objected.

- 5.3 The following Councillors made representations:

- Councillor Carol Smith called in the application for committee consideration on the grounds that the development is contrary to building regulations, is too large and out of scale, harmful to property values and gives rise to business use; adversely impacts parking and pedestrian safety.
- (Former) Councillor Jody Ganly objects to the application and called it in for committee consideration (prior to the election) on the grounds that the outbuilding causes loss of natural light to the neighbouring property in Hartland Road and is out of character in the streetscene.

Representations

- 5.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- The outbuilding is self-contained living accommodation
- Is this to be used as a business as there are no details and building has a side entrance and separate doorbell.
- Building is out of scale and detrimental to local character and streetscene
- Building is overbearing and creates sense of enclosure
- Will exacerbate lack of parking locally, particularly if it has business use, and will be detrimental to pedestrian safety and children crossing road

Non-material representations

- 5.5 The following issues were raised in representations, but they are not material to the determination of the application:

- The size exceeds permitted development (This is not material as a planning application has been submitted to retain the structure)
- The proposal contravenes Building Regulations (this relates to non-planning legislation and so is not relevant to the consideration of this application).
- The application is retrospective (The planning process allows for retrospective applications to be made. The fact a development is retrospective does not materially alter the planning considerations).
- New sewer pipe fitted causing blockage to own main sewer (this relates to non-planning matters and so is not relevant to the consideration of this application).
- Developers are flouting planning regulations and processes (works to the main house are not subject of this application, albeit they have since been regularised. Applications to retain works can be made retrospectively and this is not a material reason to object to the proposals).
- Work vans are being parked in the road (impact relating to construction works are not a material planning consideration)

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the application that the Committee must consider are:

- The visual impact and impact on amenity arising from the design and appearance of the outbuilding
- The intended use of the outbuilding and resultant impact on amenity
- Highways and parking issues

6.2 Physical Impacts of the Building

- The outbuilding replaces a garage, which previously stood in a similar location. Although the new outbuilding is larger than that which it replaced, Staff are satisfied that the principle of an outbuilding in this location would be acceptable and the existence of substantial outbuildings is characteristic of the locality.
- The building lies close to the side boundary of the application site. However, it is suitably designed, with a gently sloping roof, which is not of exceptional height. Although its visual prominence may be judged to be increased by the rendered finish of the outbuilding, this material is not out of keeping with the locality. As such the visual impacts of the outbuilding are judged acceptable, in accordance with Policy DC61.
- The building is sited close to the shared boundary with the property to the west of the site. Staff are however mindful of the modest height of the outbuilding and that it replaces previous outbuildings in a similar location.

There is a separation of around 5m from the flank wall of the neighbouring property and the location of the outbuilding to the east of this property reduces the materiality of any light loss or overshadowing. The location of the outbuilding is also to a degree offset from the neighbouring property, as it lies to some extent northwards of the neighbouring flank wall and amenity area. Taking all material factors into consideration, the outbuilding is not considered to result in such material harm to neighbouring amenity as to refuse permission. The proposal is therefore considered to accord with the provisions of Policy DC61.

- The outbuilding is generally acceptable in terms of overall size and scale, such that neither is it considered to result in material harm to the occupiers of the neighbouring property in Albany Road.

6.3 Use of Building

- The drawings submitted with the application indicate that the outbuilding is to be used as a study/craft room and as a home office with associated facilities, such as storage space, printer space and a w.c. Internal inspection of the constructed outbuilding is commensurate with this.
- Clarification has been sought from the applicant regarding the intended nature of use of the outbuilding and it has been confirmed the intention is to have the building for personal use of the applicants and their family, including as a home office. The applicant has confirmed only she and her husband will work there, no staff will be employed and there will not be any clients visiting the property. Whilst representations have made reference to a separate side entrance and doorbell, a recent site visit has determined that there is no longer any separate doorbell or entrance to the outbuilding from Hartland Road. It is not appropriate to speculate regarding future alternative uses of the outbuilding. However, a condition will be applied to require the use of the outbuilding to accord with that stated by the applicant and provide control over future use. Any future breach of that planning condition will then be a matter for planning enforcement to investigate.

6.4 Parking and Highway Implications

- The proposal has resulted in the loss of the former garage at the rear of the site. However, the site has adequate space for parking to the frontage (although a dropped kerb has not yet been provided) and on street parking is available in the vicinity of the application site. As such, the loss of the former garage is not considered harmful.
- The stated use of the outbuilding is for personal use of the applicants and their family and, as such, it is not considered this would result in any material increase in demand for on street parking. There are, therefore, no material highway grounds for refusal and no conflict with Policy DC32.

If the building were to be used for business use in breach of the planning conditions in the future the subsequent impact on parking could be addressed at that time.

7 Conclusions

- 7.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.