



Application Reference:	P0561.18
Location:	14 IVES GARDENS ROMFORD
Ward	ROMFORD TOWN
Description:	Single storey side and rear extension to include 2 skylight windows.
Case Officer:	Oscar Orellana
Reason for Report to Committee:	A Councillor call-in has been received

1 BACKGROUND

- 1.1 The application was called in by Councillor Joshua Chapman prior to the implementation of the delegated power changes agreed by Governance Committee and Council. The call-in has been honoured on the basis on which it was originally lodged.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The visual impact of the rear and side extension is acceptable and not out of keeping with the surrounding area. Furthermore, it is considered that the mass and siting of the extension would result in little to no material harm to the residential amenity enjoyed by the neighbouring property. No material amenity issues or parking and highway issues are therefore considered to result.

3 RECOMMENDATION

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

Conditions

1. Materials as per application form.
The materials used in the construction of the development should match those in the application form.
2. Balcony condition
The roof area of the extension shall not be used as a balcony without specific planning permission from the Local Planning Authority.
3. Standard flank window condition
No window other than those shown on the plans are permitted without specific planning permission from the local authority.

Informatives

1. INF28 Approval without Amendment

4 PROPOSAL AND LOCATION DETAILS

4.1 Proposal

- Proposed single storey wrap around extension to the existing dwelling.
- Side element of the extension is 2.4m wide, 13m deep from the front elevation.
- Rear element of the extension is 8m wide, 4m deep from original rear elevation.
- Extension would consist of a flat roof and would be 2.95m high.

Site and Surroundings

- 4.2 The property is a detached double storey dwelling at the end of Ives Gardens. There is only one neighbour adjacent to the north west of the site and borders land belonging to the Romford Bowls Club to the east.

Planning History

- 4.3 There is no relevant planning history that would apply to the site.

5 CONSULTATION RESPONSE

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

7 LOCAL REPRESENTATION

- 7.1 LBH Environmental Health Department – No objections/comments regarding the application in terms of noise, contaminated land and air quality.
- 7.2 A total of 49 neighbouring properties were notified about the application and invited to comment.
- 7.3 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: 1 of which, 1 objected

7.4 The following Councillor made representations:

- Councillor Joshua Chapman called-in the application due to the reason of the height of the side elevation of the development would be significantly overbearing and will block the light entering the side window at no 12 Ives Gardens. It would result in a significant impact on the residential amenity of the residents at no.12 Ives Gardens.

Representations

7.5 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 development would obstruct light to a flank wall window, which services a habitable room.
- The development will appear out of character with the surrounding area.
- The property would appear over developed.
- The proposal would appear overbearing.

Non-material representations

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

- The proposal would restrict access to the rear of number 14 Ives Gardens in order to maintain the neighbouring property. (Officer comment: rights of access for maintenance are a civil matter between the parties concerned)
- The removal of the existing garage would damage the rear garden at the neighbouring property. (Officer comment: the impact of the development post decision would be a civil matter between the parties concerned)
- The proposal would de-value the neighbouring property. (Officer comment: the potential value of properties is not a planning consideration)
- The proposal would result in alteration to the deeds.(Officer comment: Alteration to deeds would be considered a civil matter)
- The council is ignoring covenant 1, 2 and 3 found on the deeds belonging to number 23 Ives Gardens (Officer comment: a planning permission gives a public law right to develop, it does not override private property interests. The enforcement of any covenant is a civil matter and not something which can be taken into account as part of the planning process)
- One covenant states no brick walls can be built and that only a 5ft fence can be built to the front of the property. (Officer comment: a planning permission gives a public law right to develop, it does not override private property interests. The enforcement of any covenant is a civil matter and not something which can be taken into account as part of the planning process)
- Another covenant states that the dwellings must be 8 feet apart. (Officer comment: a planning permission gives a public law right to develop, it does not override private property interests. The enforcement of any

covenant is a civil matter and not something which can be taken into account as part of the planning process)

- The proposal will cause nuisance and noise to the neighbouring dwelling. (Officer comment: the potential impact of noise would not be relevant where a residential extension is proposed – noise would be subject to environmental protection legislation)
- The objector found it hard to believe that the proposal was for a gym, sauna and games room. (Officer Comment: the proposed use of the extension, provided it is ancillary to the main dwelling is not relevant under the planning process other than in cases for a proposed out building.)
- The objector would not have bought the property had they known that the covenants would not be considered under planning applications. (Officer comment: as stated above planning permission gives a public law right to develop, it does not override private property interests. The enforcement of any covenant is a civil matter and not something which can be taken into account as part of the planning process)
- Undue stress because of the proposal. (Officer Comment: the assessment of a planning application is based on amenity grounds only and undue stress cannot be taken into account)
- A previous application at number 2 Ives Gardens for a brick wall was refused. (Officer Comment: No planning application was found for 2 Ives Gardens)

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

- The impact of the proposal upon visual and residential amenity
- Highways and parking issues

Visual Amenity

8.2 The proposed side extension would be in line with council guidance as the garage is not beyond the front elevation of the property. There will be some impact to the street scene but it is considered that the relocation of the garage with lower eaves would be a minor change to the existing appearance.

8.3 The rear garden environment would not result in an over developed appearance as the proposal would have low eaves and appear secondary with the original building as recommended by council guidance.

Residential Amenity

8.4 The potential harm to 12 Ives Gardens in terms of privacy, access to light and outlook were considered during the planning application.

8.5 It is officer's opinion that the impact would not justify a refusal in this case, as the impact would not be materially harmful. The reasons for this are twofold.

- 8.6 The proposed site is set to the south of 12 Ives Gardens and currently has a detached garage to the rear of the property with a pitched roof that measures a height of 3.4m. The proposed works would demolish the detached garage and incorporate it into the proposed side extension. Resulting in minimal change to the impact on the rear garden.
- 8.7 12 Ives Gardens has a single flank window at ground floor level, which services a dining room. The development would reduce the spacing between the two buildings at ground floor level but would not result in an undue loss of light or outlook. The proposal would be set within a notional 45-degree line taken from the sill of the side elevation window, which is in accordance with council guidance.

Conclusions

- 8.7 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.