



<b>Application Reference:</b>	<b>P1015.18</b>
<b>Location:</b>	<b>63 Crystal Avenue Hornchurch</b>
<b>Ward:</b>	<b>Hacton</b>
<b>Description:</b>	<b>Proposed annexe at rear of garden to provide ancillary accommodation.</b>
<b>Case Officer:</b>	<b>Aidan Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria and it was deferred from a previous planning committee meeting.</b>

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## 1. BACKGROUND

- 1.1 This scheme was presented to this committee on the 27 September and was deferred so additional information could be provided to assist the assessment of the proposal and for a site visit of the donor property.
- An internal site visit was undertaken of 63 Crystal Avenue.
  - Layout as per approved plans P1724.07 apart from study which is a bedroom.
- 1.2 It should be noted that the acceptability of the annexe will depend on the proposal being ancillary to main dwellinghouse of No.63 Crystal Avenue and not as a separate unit of accommodation. In addition, the occupier of annexe will be restricted to immediate family members of the occupiers of main dwelling house known as 63 Crystal Avenue, Hornchurch.
- 1.3 In addition to the conditions outlined below and the completion of a Section 106 agreement, a clause would be added to the legal agreement to allow the

Local Planning Authority to carry out an inspection of the annexe at any time with 48 hours notice.

- 1.4 The report is now brought back to Members, updated with further information on the above matters. Given the change to reporting format, the previous report has been transferred across to the new template and reproduced below from section 2 onwards for completeness

## **2. SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposed outbuilding to be used as an annexe is acceptable and not out of keeping with the locality. Furthermore, the scale and siting of the outbuilding to be used as an annexe is not judged to result in material harm to neighbouring amenity. No material amenity issues or parking and highway issues are considered to result.

## **3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to
- The prior completion of a legal agreement to secure the following planning obligations:
  - That the residential annexe hereby approved shall be permanently retained as an annexe to the existing dwelling at 63 Crystal Avenue 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.
- 3.2 That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

### **Conditions**

1. SC04 – Time Limit of 3 years to implement.
2. SC10C – Materials as per application form.
3. SC32 – Accordance with plans.
4. SC46 - Standard Flank Window Condition.
5. SC83 Annex Condition – no subdivision of the plot and no future provision of additional access.
6. SC84 Annex Condition – Occupiers restricted to immediate family members of occupiers of main dwelling.
7. SC85 Annex Condition - Not to be used as a separate unit of accommodation.

### **Informatives**

1. INF29 Approval following revision
- 3.4 That, if by 4 months of the decision date the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 Planning permission is sought for a proposed detached annexe within the rear garden to provide ancillary accommodation.
- 4.2 The applicant has provided a written statement stating that the annexe will be occupied by the applicant's father who is disabled and requires easy access without stairs.

### **Site and Surroundings**

- 4.3 The application site is located within Crystal Avenue. The site contains a two storey semi-detached dwelling and is finished in a mixture of face brick and painted render.
- 4.4 There is parking in the garage and on the drive to the front of the property. The surrounding area is characterised by single and two storey semi-detached dwellings.
- 4.5 The application site and the unattached neighbour are separated by a gated access to the garages to the rear of the properties along this section of Crystal Avenue and to the street at the rear.

### **Planning History**

- 4.6 The following planning decisions are relevant to the application:

ES/HOR 1562/53 – 3 houses – Approved.

P1724.07- Two storey side extension and single storey front/side and rear extension - Approved.

## **5 CONSULTATION RESPONSE**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 The following were consulted regarding the application:
- 5.3 Highways: No objection to the proposal, as long as the building stays ancillary to the main household.

## **6 LOCAL REPRESENTATION**

- 6.1 10 neighbouring properties were notified about the application and invited to comment.
- 6.2 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: 1 which objected.

- 6.3 The following Councillor made representations:

Councillor Ray Morgon wishes to call the application in on the grounds that the proposal is not in keeping with the surrounding area.

### **Representations**

- 6.4 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**

- Loss of privacy.
- It is a bungalow in the back garden, facing neighbouring property.
- Light pollution to rear facing windows of neighbouring dwellings.
- Additional noise pollution created by new annexe.
- Impact on water table.

### **Non-material representations**

- 6.5 The following issues were raised in representations, but they are not material to the determination of the application:
- Comments regarding consent given for approved extensions. (Officer comment: this is not material consideration for this application as they are two different forms of development. The previous application was assessed and granted permission and does not form part of the consideration of the current application).

- There is no requirement for additional space and this is for commercial gain (Officer comment: The application should be considered on its own merits regardless of the previous extensions to the property. The building is stated as being required as an annexe to the existing dwelling and if any material change of use occurs this matter would need to be investigated separately).

## **7 MATERIAL PLANNING CONSIDERATIONS**

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

- The visual impact arising from the design and appearance of the wall on the area.
- The impact of the development on neighbouring amenity
- Highways and parking issues

### **7.2 Physical Impacts of the proposed annexe**

- The Council does not have a policy specifically referring to residential annexes, however the Residential Extensions and Alterations SPD refers to provision of outbuildings.
- There are a number of detached buildings nearby, in particular a substantial outbuilding to the rear of the unattached neighbour to the north and therefore an outbuilding of the scale proposed would not appear visually incongruous.
- Staff consider that the annexe would integrate satisfactorily in the rear garden environment, mindful of various outbuildings and garage within the immediate area, as it is single storey and its height would be mitigated by its modest eaves height and the hipped roof design. Therefore the building would not appear disproportionate in relation to the main residence or the other outbuildings nearby.
- Staff consider that the proposed development would not unacceptably impact on the water table within the local area as the site does not fall within a flood zone area.

### **7.3 Impact on Amenity**

- The proposed building is stated to be used as an annexe to the main dwelling. The plans indicate that the annexe would provide a lounge, bedroom and en-suite. No kitchen facilities are shown within the building.
- Staff are satisfied that, whilst the annexe is substantial, it would be unlikely to be occupied by anyone other than people closely associated with the occupants of the main house and who would therefore be content to share the remaining curtilage area to No.63 Crystal Avenue and live closely overlooked by those in the main house. It is noted that the layout of the annexe and the relationship to the adjacent access road could allow future sub-division. The issue of occupancy and future subdivision could be

satisfactorily controlled by conditions and the obligation contained within the recommended legal agreement.

- In terms of noise and disturbance the proposal does have the potential to increase levels of activity within this rear part of the application site. However, given that it is a one bedroom unit, stated to be used as an annexe and situated at the far end of the garden it is not considered the proposal would give rise to levels of noise and disturbance which would be materially harmful to neighbouring residential amenity.
- 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 use of the outbuilding proposed as a residential annexe would not give rise to an unacceptable level of noise and disturbance and would be unlikely to give rise to significant adverse impacts.
- Nevertheless it is still considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional windows and openings in the proposed building, to avoid the potential for overlooking and increased noise transmission. It is also considered necessary to impose a condition to remove permitted development rights under Class A Part 2 for fencing and walling as these rights could result in the curtilage being subdivided again. An obligation within the legal agreement would prevent the independent occupation and sale of the annexe.
- Subject to safeguarding conditions and the provision of a legal agreement officers are of the view that the proposed annexe would be in accordance with provisions of Policy DC61 and the Residential Extensions & Alterations SPD.

#### **7.4 Parking and Highway Implications**

The application site presently has off street parking for three vehicles to the frontage. The Highways Department have not objected so long as the building stays ancillary to the main household.

### **8 Conclusions**

All other relevant policies and considerations have been taken into account. Planning permission should be approved subject to conditions and a Section 106 Legal Agreement for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.