



# Havering

L O N D O N   B O R O U G H

## PLANNING COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 10 February 2022</b>	<b>Havering Town Hall, Main Road, Romford</b>
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Members 8: Quorum 4

### COUNCILLORS:

**Conservative Group  
(4)**

Robby Misir (Chairman)  
Carol Smith (Vice-Chair)  
Philippa Crowder  
Matt Sutton

**Residents' Group  
(1)**

Stephanie Nunn

**Upminster & Cranham  
Residents Group'  
(1)**

John Tyler

**Independent Residents  
Group  
(1)**

David Durant

**Labour Group  
(1)**

Paul McGeary

**For information about the meeting please contact:**

**Christine Elsasser - 01708 433675  
christine.elsasser@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100  
before**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

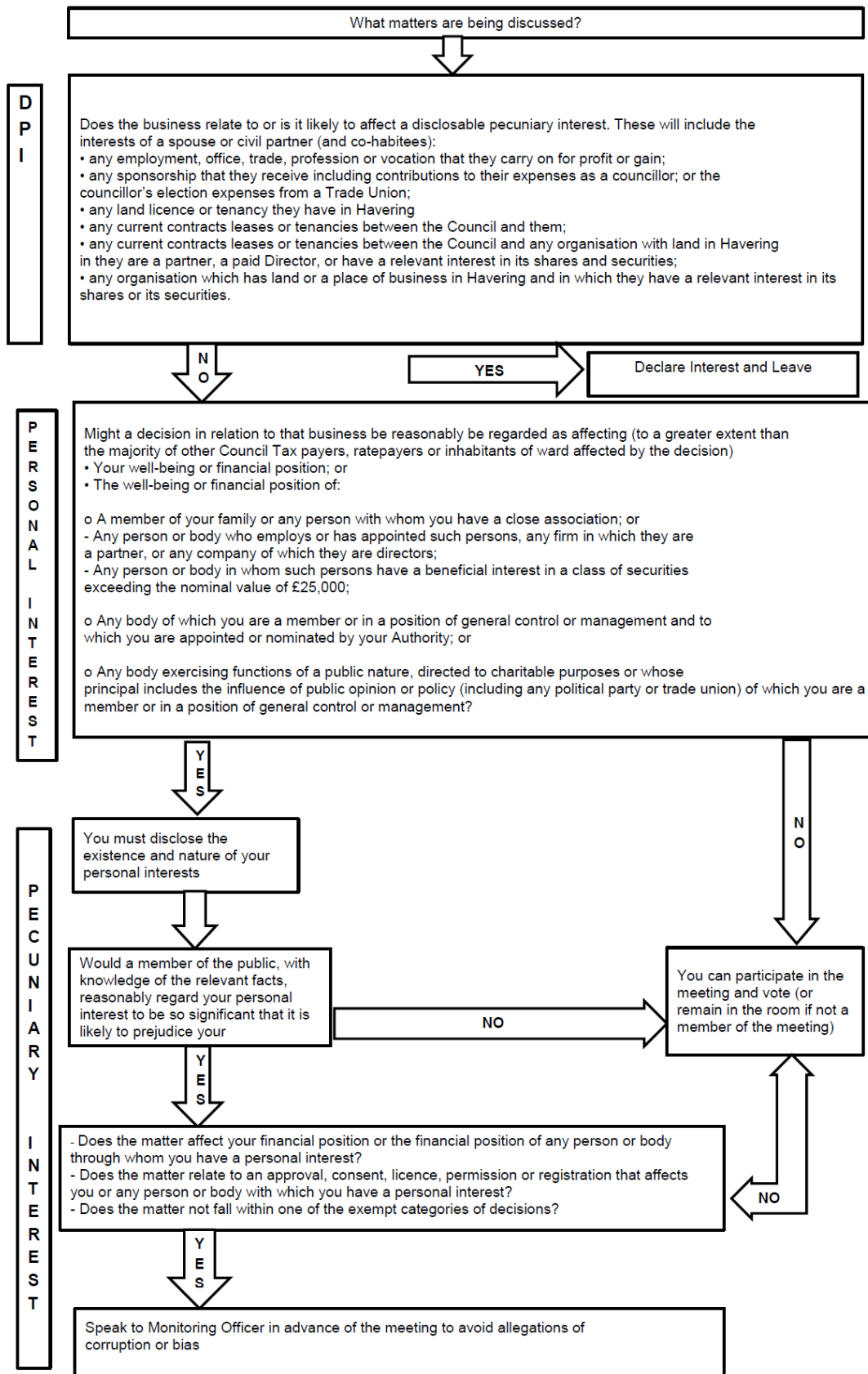
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

### **4 MINUTES (Pages 1 - 2)**

To approve as a correct record the minutes of the meeting of the Committee held on 16 December 2021 and to authorise the Chairman to sign them.

**5 APPLICATIONS FOR DECISION** (Pages 3 - 6)

See attached document.

**6 P1549.21 - 41 PARKLAND AVENUE, UPMINSTER** (Pages 7 - 14)

Report attached.

**7 STOPPING UP ORDER - 23 ROSSLYN AVENUE, HAROLD WOOD, ESSEX, RM3 0RG** (Pages 15 - 28)

Report attached.

**8 ITEMS FOR INFORMATION** (Pages 29 - 30)

See attached document.

**9 QUARTERLY PLANNING PERFORMANCE UPDATE REPORT** (Pages 31 - 36)

Report attached.

**Zena Smith  
Democratic and Election Services  
Manager**

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**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
Havering Town Hall, Main Road, Romford  
16 December 2021 (7.30 - 7.49 pm)**

**Present:**

**COUNCILLORS: 7**

**Conservative Group** Robby Misir (Chairman), Carol Smith (Vice-Chair),  
Matt Sutton and +Ray Best

**Residents' Group** Stephanie Nunn

**Upminster & Cranham  
Residents' Group** John Tyler

**Labour Group** +Carol Beth

Apologies were received for the absence of Councillors David Durant.

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

**1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

Apologies were received for the absence of Councillors David Durant, Philippa Crowder and Paul McGeary.

Councillor Carole Beth was a substitute for Councillor Paul McGeary and Councillor Ray Best was a substitute for Councillor Philippa Crowder.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

**2 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

**3 MINUTES**

The minutes of the meeting held on 21 October 2021 were agreed as a correct record and signed by the Chairman.

4      **P1745.21 - 33 WAKEFIELD CLOSE, HORNCHURCH**

The Committee considered the report noting that the application had been called-in by Councillor Bob Perry.

With its agreement Councillor Bob Perry addressed the Committee.

Following consideration it was **RESOLVED** that **PLANNING PERMISSION BE GRANTED**.

The vote for the resolution to grant planning permission was granted by 6 votes to 0 with 1 abstention.

Councillors Best, Beth, Misir, Nunn, Smith, and Tyler voted for the resolution.

Councillor Sutton abstained from voting.

5      **P1952.21 46 PENRITH ROAD, ROMFORD**

The Committee considered the report noting that the application had been submitted by an Officer of the authority.

Following consideration it was **RESOLVED** that **PLANNING PERMISSION BE GRANTED**.

The vote for the resolution to grant planning permission was granted by 7 votes to 0.

Councillors Best, Beth, Misir, Nunn, Smith, Sutton and Tyler voted for the resolution.

6      **QUARTERLY PLANNING PERFORMANCE UPDATE REPORT**

The Committee considered the quarterly reporting of performance to the planning committees and **RESOLVED** to note the contents of the report.

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Chairman



## Agenda Item 5

### Applications for Decision

#### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

#### Advice to Members

#### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
  - London Plan Adopted March 2021
  - Core Strategy and Development Control Policies (2008)
  - Site Allocations (2008)
  - Romford Area Action Plan (2008)
  - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by Highways Legislation.
  - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the Party Wall Act.
  - Covenants and private rights over land are enforced separately from planning and should not be considered.

#### Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

#### **Public speaking and running order**

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
  - b. Registered Objector(s) speaking slot (3 minutes)
  - c. Responding Applicant speaking slot (3 minutes)
  - d. Ward Councillor(s) speaking slots (3 minutes)
  - e. Officer presentation of the material planning considerations
  - f. Committee questions and debate
  - g. Committee decision
16. The items on this part of the agenda will run as follows where there are no public speakers:
- a. Where requested by the Chairman, officer presentation of the main issues
  - b. Committee questions and debate
  - c. Committee decision

#### **Late information**

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

#### **Recommendation**

18. The Committee to take any decisions recommended in the attached report(s).

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b>  <b>10<sup>th</sup> February 2022</b>
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<b>Application Reference:</b>	<b>P1549.21</b>
<b>Location:</b>	<b>41 Parkland Avenue, Upminster</b>
<b>Ward</b>	<b>Upminster</b>
<b>Description:</b>	<b>Proposed single storey side/rear extension with screen fence and retention of raised patio/steps and detached gazebo.</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.</b>

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## **1 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 1.1 The single storey side/rear extension would be acceptable and relate acceptably to the existing dwelling and not have an unacceptable impact on the rear garden environment. In addition, no objections are raised to the screen fence and the retention of raised patio/steps and detached gazebo.
- 1.2 Furthermore, the scale and siting of the single storey side/rear extension is not judged to result in material harm to neighbouring amenity. No material amenity issues or parking and highway issues are considered to result.

## **2 RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission subject to:
- 2.2 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

**Conditions**

1. SC04 – Time limit
2. SC10 – Matching materials
3. SC13 – Screen Fencing
4. SC32 – Accordance with plans.
5. SC46 - Standard Flank Window Condition.
6. SC48 – Balcony condition

**Informatives**

1. Land Ownership
2. Party Wall Act.
3. INF29 Approval following revision

**3 PROPOSAL AND LOCATION DETAILS****Site and Surroundings**

- 3.1 The application site is located within Parkland Avenue. The site contains a two storey semi-detached dwelling and is finished in painted render and face brick.
- 3.2 There is parking on the drive to the front of the property. The surrounding area is characterised by predominately two storey dwellings.
- 3.3 The application site and the unattached neighbour are separated by the side access of No.43 Parkland Avenue.

**Proposal**

- 3.4 Planning permission is sought for a single storey side/rear extension with screen fence and retention of raised patio/steps and detached gazebo. The side extension would include an increase in height to the rear of the existing garage with an infill side/rear extension adjacent to No.43 Parkland Avenue.

**Planning History**

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

P1706.16 - Single storey side/rear and first floor side extension with garage conversion & front porch.

Refused on grounds of Impact on Street scene and loss of amenity.  
Appeal dismissed on Impact on Street scene and loss of amenity.

D0218.17 – Certificate of Lawfulness for single storey rear extension

Planning Permission not required.

P0288.20 - First floor side extension and part single storey side extension.  
Refused on grounds of Impact on Street scene.  
Appeal dismissed on Impact on Street scene.

P0392.21 -Part first floor and part single storey side extensions and single storey rear infill extension.

Refused on grounds of Impact on Street scene and unbalancing effect.

#### **4 CONSULTATION RESPONSE**

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

4.2 Consultation of Statutory Consultees were not required.

#### **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 of which, 3 objected.

5.3 The following Councillor made representations:

Councillor Ron Ower wishes to call the application in on the grounds that:

The proposed single storey rear extension with the inclusion of a raised patio would by virtue of the excessive height be unneighbourly which would give rise to an uncomfortable and overbearing effect resulting in an increased sense of overlooking, loss of privacy and be harmful to neighbouring properties.

##### **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**

- Enclosure of characteristic gap and tunnelling effect from proposal.
- Proposal would be dominant and overbearing.
- Loss of Privacy and light from the proposal.
- Height of rear extension at 3.75m exceeds 3m guidance.
- 3 previous applications were refused, current proposal disregards guidance.
- Proposal is being built up to the boundary.
- Patio level vary with neighbouring properties.

##### **Non-material representations**

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

- Query regarding building regulations and foundations.

OFFICER COMMENT: Issues regarding building control matters are not a material planning consideration.

**Procedural issues**

5.6 The following procedural issues were raised in representations, and are addressed below:

- Issues regarding patio and height of extension and fencing.

OFFICER COMMENT: Officer visited site and discovered gazebo and patio has been added. Following discussions with agent and applicant, this was included in this application and neighbours were re-notified.

**6 MATERIAL PLANNING CONSIDERATIONS**

6.1 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 building on the area.
- The impact of the development on neighbouring amenity
- Highways and parking issues

**6.2 Visual impact arising from the design/appearance on the area.**

- The Council Residential Extensions and Alterations SPD refers to single storey side and rear extension.
- There are a number of ground floor side and rear extensions within the surrounding area.
- The gazebo and extended patio would only be visible from the rear garden environment.
- It is considered that the proposed single storey side/rear extension would integrate satisfactorily with the existing dwelling. The side extension would be screened by the existing dummy pitched roof of the garage and it is considered that this part of the proposal would not impact on the street scene. The removal of the first floor side extension from this re-submitted scheme would provide space between the application dwelling and the detached neighbour at No.43 Parkland Avenue and therefore addressing the previous concerns raised within the previous refused applications and appeals.
- The proposed single storey rear extension, gazebo and patio would be visible from the rear garden environment. It is noted that the proposed rear extension would be constructed to the side of the existing ground floor rear extension, constructed under permitted development. The proposed side extension with the increase in height of the existing garage would be screened by the proposed ground floor rear extension.



- As a result, it is considered that the proposed development would not unacceptably impact on the street scene or the rear garden environment and no objections are raised from a visual point of view.

### **6.3 The impact of the development on neighbouring amenity**

- The single storey side/rear extension would be located on the south west side of the dwelling. It is not envisaged that this part of the proposal would have any impact on the amenity of the attached neighbour at No.39 Parkland Avenue as they are located to the north east and the proposal would be located on the opposite side of the dwelling and be screened by the existing ground floor pitched roof rear extension. It is considered the proposal would not impact on the amenity of the residents at No.39 Parkland Avenue.
- The residents at No.43 Parkland Avenue are the neighbours that would be most affected by the proposed development. The side access at No.43 would separate the neighbouring dwelling from the proposed development, as the proposal would be constructed up to the boundary fence.
- The height of the flat roof to the rear of the existing dummy pitched roof proposal would be approximately 3.7m high and this would increase in height further back into the garden due to the drop in ground level from the front of the dwelling to the rear garden.
- It is noted that No.43 has three openings on the side of their property facing the application site. Two at ground floor level in the form of a door to the garage and a window in the middle to a W.C, both of these openings serve non-habitable areas and therefore less weight would be applied to the impact on these openings. The first floor en-suite flank window would serve an non-habitable area.
- The depth of the ground floor rear extension adjacent to No.43 would mimic the depth of the existing pitched roof rear extension which is 3m. This depth is less than the 4m normally permissible under current Council guidelines within the Residential Extensions and Alterations SPD.
- It is acknowledged that the height of the rear extension would be more than 3m, so the Council will need to consider if the height above 3m would unacceptably impact on the amenity of the adjacent neighbours.
- Firstly, it is noted that the neighbouring dwelling at No.43 has a pitched roof single storey extension to the rear of their dwelling which was approved as part of planning application P0075.20. This rear extension has a depth of approximately 1.85m deep with a pitched roof that has an eaves line of approximately 2.8m rising to an overall height of approximately 3.65m.
- The proposed ground floor rear extension within the application site would project approximately 0.7m beyond the rear wall of No.43's ground floor rear extension as shown on the submitted plan. An overall projection

beyond No.43's extension of approximately 0.7m is not unusual and is envisaged within guidelines as acceptable when considering the impact of a 4m deep extension on the boundary with a neighbour that has not previously extended.

- The overall height when measured at the rear elevation of the neighbouring rear extension at No.43 would be approximately 3.65m. It is considered that it would be difficult to demonstrate the harm arising from an extension that only projects approximately 0.7m beyond the neighbouring rear extension and the fore mentioned heights which have been taken from the ground level.
- Further, it is considered that it would be difficult to substantiate a refusal on appeal, mindful of the mitigation from the neighbouring rear extension at No.43 and the limited projection beyond this extension's extension. Whilst the extension would be visible from the neighbour at no.43 and built form would be brought closer, the extension due to its single storey nature and limited projection would not be over dominant or affect daylight/sunlight to a significant degree.
- The gazebo would not unacceptably impact on the amenity of the adjacent neighbours, mindful of the separation distance between the gazebo and the boundary on either side.
- Concerns were raised regarding the decking during the representations and a variance of 20cm in patio level excluding the steps between No.41 and No.43 with No.43 being at a lower level. The agent provided a revised plan show that a screen panel would be erected adjacent to No.43 Parkland Avenue on the steps to the lower patio. This would ensure that privacy between the properties is maintained.

#### **6.4 Parking and Highway Implications**

The application site presently has ample off street parking to the front of the property. No highway or parking issues would arise a result of the proposal.

#### **Environmental and Climate Change Implications**

- 6.5 Given the limited scale of the proposals, no specific measures to address climate change are required to be secured in this case.

#### **Financial and Other Mitigation**

- 6.6 The proposal would not attract Community Infrastructure Levy contributions to mitigate the impact of the development as the development would be less than 100 square metres.

#### **Equalities**

- 6.7 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:


- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

6.8 The application, in this case, raises no particular equality issues.

### **Conclusions**

6.9 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.

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>10 February 2022</b>
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<b>Application Reference:</b>	<b>Stopping Up Order</b>
<b>Location:</b>	<b>23 Rosslyn Avenue, Harold Wood, Essex RM3 0RG</b>
<b>Ward:</b>	<b>Harold Wood</b>
<b>Description:</b>	<b>Stopping up of land adjoining No. 23 Rosslyn Avenue, Harold Wood</b>
<b>Case Officer:</b>	<b>Musood Karim</b>
<b>Reason for Report to Committee:</b>	<b>The Head of Planning considers committee consideration to be necessary.</b>

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## 1. Background

- 1.1 On 15<sup>th</sup> March 2021 the Council resolved to refuse an application for planning permission (application reference P0071.21) for:

*relocation of existing fence, fronting Tindall Close to incorporate the land into existing garden.*

- 1.2 Planning Permission was refused on the following ground(s):

*The proposed development would, by reason of its height, total length and position, form an unacceptably dominant and visually intrusive feature within the street, harmful to the appearance of the street scene and detracting from the open character of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, the Residential Extensions and Alterations Supplementary Planning Document and Policy D1 of the London Plan Adopted March 2021.*

- 1.3 The Council's refusal of planning permission was appealed to the Planning Inspectorate (appeal reference: APP/B5480/D/21/3274891) and on 10<sup>th</sup> September 2021 the appeal was allowed with planning permission

granted for: *relocation of existing fence to incorporate purchased land into existing garden at 23 Rosslyn Avenue, Romford RM3 0RG*

- 1.4 In order to facilitate the development granted planning permission at appeal stopping up of the adopted public highway is required as the approved scheme will encroach onto the existing public highway.
- 1.5 A resolution is therefore sought to stop up the existing grass verge shown on drawing reference no. TQ546902 attached at Appendix A ("the Plan") to enable the development to be carried out pursuant to the planning permission granted on appeal.
- 1.4 The Council's highway officers have considered the application and consider that the stopping up is acceptable in all material respects to enable development pursuant to the planning permission granted on Appeal.

## **2. Recommendations**

That the Planning Committee resolve:

- (a) to authorise the stopping up of the highway land adjoining 23 Rosslyn Avenue, Harold Wood as shown hatched on the Plan in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990,

subject to:

- the lawful implementation of the planning permission granted on appeal (reference APP/B5480/D/21/3274891);
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

- i) if no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the stopping up order will be confirmed by officers;
  - ii) if objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.
- (b) to delegate authority to the Assistant Director of Public Realm, Environment to do anything necessary and incidental to facilitate the process of stopping up

the highway pursuant to section 247 of the Town and Country Planning Act 1990.

### 3. Proposals and location details

- 3.1 Section 247(2A) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable developments to be carried out in accordance with planning permission granted under Part III of the Act.
- 3.2 In *K C Holdings Ltd v Secretary of State for Wales* [1990] JPL 353 the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport* [1991] 2 All ER 77, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.
- 3.3 The parameters of the development has already been considered and approved on appeal by the Planning Inspectorate under appeal reference (APP/B5480/D/21/3274891) following a full statutory consultation exercise. The approved parameter plan(s) would require the stopping up of the land adjacent to 23 Rosslyn Avenue that is the subject of this report. The stopping up now proposed would give effect to the development on the land to be stopped up.
- 3.4 The area of land to which the application to stop up relates is grass verge adjacent to 23 Rosslyn Avenue. The land measures approximately 34.5 linear metres in length and 3 linear meters in width at its widest point and sited between Ordinance Survey grid reference points **Point A** 554636.279 (E) 190304.450 (N) on the north side and **Point B** 554650.808 (E), 190272.920 (N) and **Point C** 554 647.862 (E) 190271.700 (N) of south side of the grass verge.
- 3.5 The land is classified as grass verge on the Register of Highways maintained by the Council.
- 3.6 The development approved on appeal incorporates the subject land within the existing garden of 23 Rosslyn Avenue.
- 3.7 It is considered that the only way to incorporate the subject land within the existing garden of 23 Rosslyn Avenue is by stopping up the existing highways

rights. Officers consider that there would be no significant disadvantages suffered by the public in stopping up the land.

3.8 The Planning Inspector in their Appeal Decision at paragraph 9 noted that:

*“The removal, therefore, of the existing grass verge, would not, in my judgement, be harmful to the streetscene or to the open character of the area. Similarly, the repositioning of the existing boundary fence further west, to the back edge of the public footway, would not appear overly dominant or visually intrusive, when compared with the existing fencing and in this respect, it would also not be dissimilar to the positioning of the boundary fencing / walls found at the junction of Rosslyn Avenue with Peel Way and Gubbins Lane. The proposed scale and siting of the relocated timber fence would, therefore, be broadly consistent with other boundary treatments in the area.”*

#### **4. Planning History**

4.1 The following planning decisions are relevant to the application:

P0071.21 – the re-location of existing boundary fence fronting Tindall Close to incorporate the purchased land by the applicant into existing garden which the applicant has the title deed – Refused

APP/B5480/D/21/3274891– appeal of planning application P0071.21 – Approved on Appeal

The stopping up is necessary in order that the development pursuant to planning permission granted on Appeal can be carried out.

#### **5. Consultation**

5.1 The Council's highway officer has no objection to the proposed stopping up order, subject to full compliance with planning conditions and adherence to the following highway conditions:

- i) that the proposed boundary fence will be erected in full accordance with drawing DPL.04 attached to the planning permission,
- ii) that no materials will be deposited on the public highway which may cause danger or hindrance to highway users

5.2 No public or external consultations has been carried out by the Council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the order, the Council would carry out



consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.

- 5.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority or utility provider on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the Council must:

(i) notify the Mayor of London and

(ii) cause a local inquiry to be held.

- 5.4 If, however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor of London shall decide whether, in the “special circumstances of the case” the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the Council which may dispense with the inquiry.

- 5.5 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up order without an inquiry.

- 5.6 In any event, the above advertisement and administrative works by the Council's Legal Services will involve payment of all associated fees payable by the applicants.

## 6. **Conclusions**

It is considered that the proposed stopping up of the subject land is necessary to enable development to proceed in accordance with planning permission and is acceptable in highways terms. It is noted, however, that the remaining obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

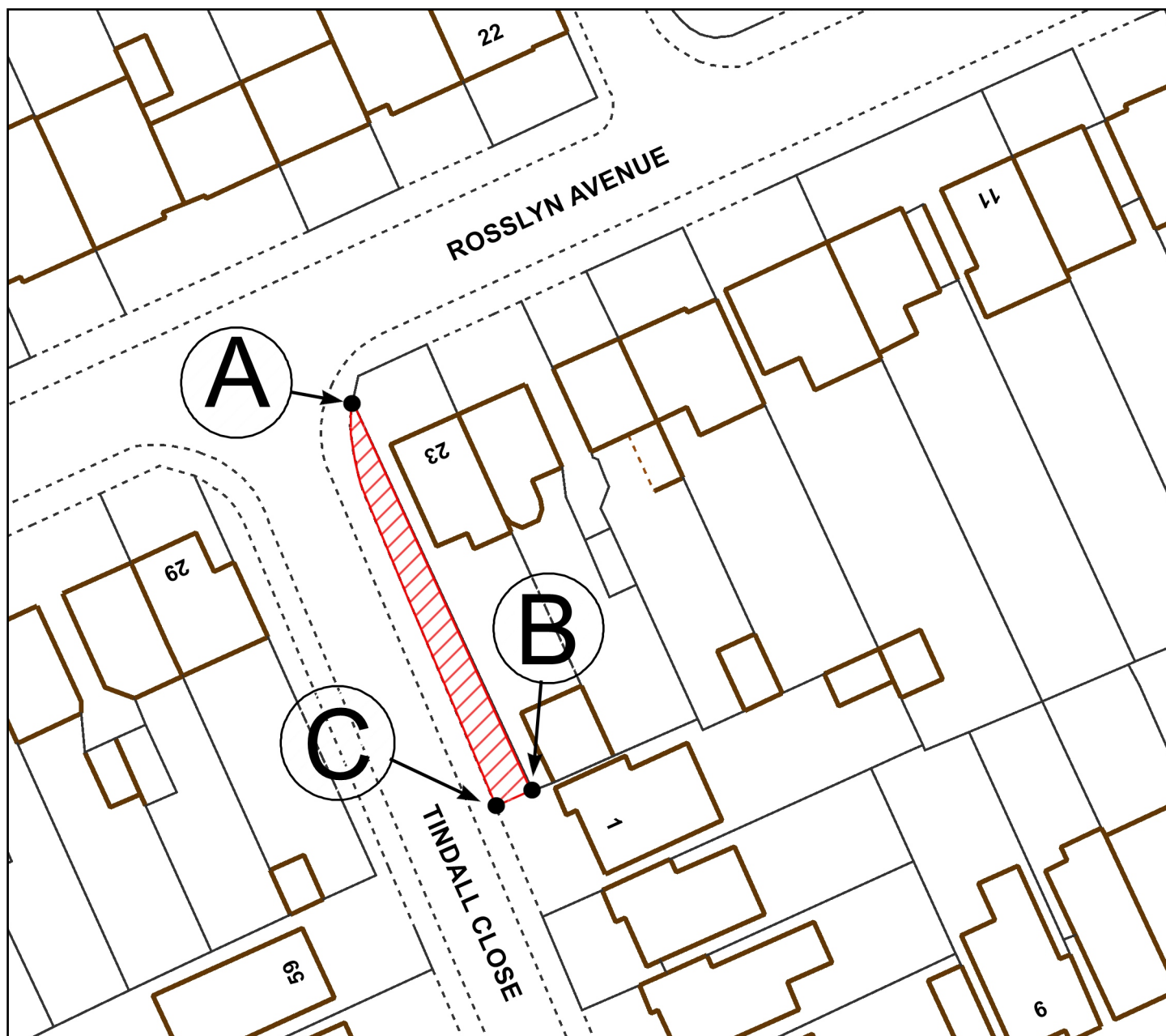
## **Appendix A**

Plan reference: TQ546902

## **Appendix B**

Copy of the Appeal by Planning Inspectorate  
Ref. APP/B5480/D/21/3274891 of 10<sup>th</sup> September 2021

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A = 554636.279 - 190304.450

B = 554650.808 - 190272.920

C = 554647.862 - 190271.700

23 Rosslyn Avenue

TQ546902



Scale: 1:500

Date: 09 December 2021

0 5 10 15 metres



**Havering**  
LONDON BOROUGH

London Borough of Havering  
Town Hall, Main Road  
Romford, RM1 3BD  
Tel: 01708 434343

Page 23

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Ordnance Survey 100024327

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## Appeal Decision

Site visit made on 11 August 2021

**by G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

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**Appeal Ref: APP/B5480/D/21/3274891**

**23 Rosslyn Avenue, Romford, RM3 0RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr William Gough against the decision of London Borough of Havering.
  - The application Ref P0071.21, dated 19 January 2021, was refused by notice dated 15 March 2021
  - The application sought planning permission for relocation of existing fence to incorporate purchased land into existing garden.
- 

### Decision

1. The appeal is allowed and planning permission is granted for relocation of existing fence to incorporate purchased land into existing garden at 23 Rosslyn Avenue, Romford, RM3 0RG in accordance with the terms of the application, Ref P0071.21, dated 19 January 2021, and the plans submitted with it, and subject to the conditions listed below.
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing timber boundary fence.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: DPL.99, DPL.03 and DPL.04

### Procedural Matters

2. The description of development on the decision notice is slightly different to that on the application form. I have adopted the former as it more accurately describes the appeal proposal.
3. On 20 July 2020 the Government published a revised version of the National Planning Policy Framework (July 2021) (Framework). However, the policies that are relevant to this appeal have not changed and there was no need, therefore, to invite the parties to make further submissions in response to the revised Framework. The paragraph numbering, in the revised Framework, for a number of policies has changed and where that is the case, I have highlighted those changes in my decision.



## **Main Issue**

4. The main issue is the effect on the open character of the streetscene and wider area.

## **Reasons**

5. The appeal proposal involves the relocation of the existing boundary fence, on the western side of the appeal site, further west to incorporate a long strip of land that forms a grass verge running parallel with the public footway on Tindall Close. The land would be incorporated within the existing garden to the appeal site and enclosed by timber fencing and gates to match existing.
6. The appeal site is located on the corner of Rosslyn Avenue and Tindall Close. The properties in Rosslyn Avenue largely comprise two storey semi-detached dwellings with off street parking at the front and long rear gardens. The style, design and age of the properties in Tindall Close are different, and they are predominantly two storey detached dwellings, with off street parking at the front, integral garages and some more open frontages.
7. Within this context, the existing grass verge does not appear to be part of the original design or formal layout of either Rosslyn Avenue or Tindall Close. It's possible that the verge is a remnant, with the narrow verge opposite, from the cul-de-sac development at Tindall Close. Even so, other than an existing small tree, the grass verge (abutting the appeal site) does not include any features of particular amenity value. Neither does the verge make a significant contribution to the openness of the area or form part of a harmonious streetscene.
8. Whilst there is a smaller grass verge opposite, running the length of the side boundary to 29 Rosslyn Avenue, this verge is narrower and although, in itself, it again does not make a significant contribution to the open character of the streetscene, it does contain two mature street trees, which, in my view, are of particular amenity value.
9. The removal, therefore, of the existing grass verge, would not, in my judgement, be harmful to the streetscene or to the open character of the area. Similarly, the repositioning of the existing boundary fence further west, to the back edge of the public footway, would not appear overly dominant or visually intrusive, when compared with the existing fencing and in this respect, it would also not be dissimilar to the positioning of boundary fencing/walls found at the junction of Rosslyn Avenue with Peel Way and Gubbins Lane. The proposed scale and siting of the relocated timber fence would, therefore, be broadly consistent with other boundary treatments in area.
10. For the above reasons, I am satisfied that the appeal proposal would not materially harm the open character of the streetscene or that of the wider area. Whilst the repositioning of the existing timber fence would result in change, there would be no material loss of openness nor the loss of an open feature that forms an important or integral part of the character of this part of Rosslyn Avenue.
11. I am also satisfied that the appeal proposal would not appear overly dominant visually and would allow better use to be made of the existing grass verge, whilst at the same time removing the problems that appear to arise from its



maintenance, dog fouling and fly tipping, problems that the Council have not challenged.

12. Accordingly, I find that the appeal proposal would not be dominant or visually intrusive to the streetscene and would not detract from the open character of the area. It would, therefore, comply with policy DC61 of the Havering Core Strategy & Development Control Policies Development Plan Document (2008), policy D1 of the London Plan (2021) and the Residential Extensions & Alterations Supplementary Planning Document (2011). Combined, these seek, amongst other requirements, to ensure that new development reinforces the prevailing character of the streetscene, is of good design and integrates well with its surroundings.

### **Other Matters**

13. The Council's Delegated Report raises a question over the ownership of the existing grass verge. However, the application form is accompanied by Certificate A and the Appellant's Personal Statement indicates that the grass verge was purchased by them from Countryside Properties (UK) Ltd in November 2019. There is no other evidence before me on this issue and I have therefore determined the appeal on that basis.

### **Conditions**

14. The Council has suggested various conditions which I have considered against the advice in the revised Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions relating to the time limit for implementing the development, requiring compliance with the submitted plans and for materials to match existing, are necessary and reasonable in order to secure a high quality development and to reflect the details included within the application. I have, however, added a list of approved plans.

### **Conclusion**

15. The appeal proposal would accord with the development plan when considered as a whole. There are no material considerations that indicate a decision should be made other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should be allowed.

*G Roberts*

INSPECTOR

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## **AGENDA ITEM 8**

### **Items for Information**

#### **Introduction**

1. This part of the agenda is for the committee to receive reports and other items for information purposes only.
2. The items on this part of the agenda will not normally be debated and any questions of clarification need to be agreed with the chair.
3. The following information and advice only applies to reports in this part of the agenda.

#### **Public speaking**

4. The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Applications for Decision" parts of the agenda. Therefore, reports on this part of the agenda do not attract public speaking rights.

#### **Late information**

5. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

#### **Recommendation**

6. The Committee is not required to make any decisions with respect to the reports on this part of the agenda. The reports are presented for information only.

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>10 February 2022</b>
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**Subject:** **Quarterly Planning Performance Update Report.**

**Report Author:** **Simon Thelwell, Head of Strategic Development**

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## **1 BACKGROUND**

- 1.1 This quarterly report produces a summary of performance on planning applications/appeals and planning enforcement for the previous quarter, October to December 2021.
- 1.2 Details of any planning appeal decisions in the quarters where committee resolved to refuse planning permission contrary to officer recommendation are also given.
- 1.3 The Government has set performance targets for Local Planning Authorities, both in terms of speed of decision and quality of decision. Failure to meet the targets set could result in the Council being designated with applicants for planning permission being able to choose not to use the Council for determining the application

## **2 RECOMMENDATION**

That the report be noted.

## **3 QUALITY OF PLANNING DECISIONS**

- 3.1 In accordance with the published government standards, quality performance with regard to Major (10 or more residential units proposed or 1000+ sq m new floorspace or site area greater than 0.5 hectares), County Matter (proposals involving minerals extraction or waste development) and Non-Major applications are assessed separately. If more than 10% of the total

decisions in each category over the stated period were allowed on appeal, the threshold for designation would be exceeded. Due to the fact that 10% of the number of non-major decisions made exceeds the total number of appeals, there is no chance of designation so the performance against the non-major target will not be published in this report, although it will still be monitored by officers.

- 3.2 In December 2020, the then MHCLG announced that there would be two periods of assessment for the purposes of designation:

- decisions between 1 April 2018 and 31 March 2020, with subsequent appeal decisions to December 2020 (as previously reported, the Council is not at risk of designation for this period).

- decisions between 1 April 2019 and 31 March 2021, with subsequent appeal decisions to December 2021

- 3.3 The final figures for April 2019 to March 2021 are:

Total number of planning decisions over period: 56

Number of appeals allowed: 2

% of appeals allowed: 3.6%

Appeals still to be determined: N/A

Refusals which could still be appealed: N/A

County Matter Applications:

Total number of planning decisions over period: 4

Number of appeals allowed: 0

% of appeals allowed: 0%

Appeals still to be determined: N/A

Refusals which could still be appealed: N/A

- 3.4 Based on the above, the Council is not at risk of designation for this period.

- 3.5 Although, no announcements regarding further periods for assessment have been made, it is considered that monitoring of the next rolling two year assessment periods should take place – this would be decisions between 1 April 2020 and 31 March 2022 with subsequent appeal decisions to December 2022 and decisions between 1 April 2021 and 31 March 2023 with subsequent appeal decisions to December 2023.

- 3.6 The current figures for April 2020 to March 2022 are:

Total number of planning decisions over period: 58

Number of appeals allowed: 1

% of appeals allowed: 1.7%

Appeals still to be determined: 3  
Refusals which could still be appealed: 2

County Matter Applications:

Total number of planning decisions over period: 1  
Number of appeals allowed: 0  
% of appeals allowed: 0%  
Appeals still to be determined: 0  
Refusals which could still be appealed: 0

- 3.7 Due to the low number of decisions that we take that are majors or county matters, any adverse appeal decision can have a significant effect on the figure. Based on the above, it is considered that at this time there is a risk of designation. The figure will continue to be carefully monitored.

- 3.8 The current figures for April 2021 to March 2023 are:

Total number of planning decisions over period: 29  
Number of appeals allowed: 0  
% of appeals allowed: 0%  
Appeals still to be determined: 1  
Refusals which could still be appealed: 2

County Matter Applications:

Total number of planning decisions over period: 0  
Number of appeals allowed: 0  
% of appeals allowed: 0%  
Appeals still to be determined: 0  
Refusals which could still be appealed: 0

- 3.9 Based on the above, it is considered that at this time there is a risk of designation. The figure will continue to be carefully monitored.

- 3.10 As part of the quarterly monitoring, it is considered useful to provide details of the performance of appeals generally and summarise any appeal decisions received where either the Strategic Planning Committee/Planning Committee resolved to refuse planning permission contrary to officer recommendation. This is provided in the tables below.

**Appeal Decisions Oct-Dec 2021**

**Total Number of Appeal Decisions - 34**  
**Appeals Allowed - 10**  
**Appeals Dismissed - 24**  
**% Appeals Allowed - 29%**

Officer Comment – The appeals allowed % for this quarter has decreased significantly when compared to previous quarters – the average for the year is 43% appeals allowed which is above what has been the case in previous years. Appeal decisions will be monitored with updates as necessary.

**Appeal Decisions where Committee Decision Contrary to Officer Recommendation**

**Total Number of Appeal Decisions - 0**  
**Appeals Allowed - 0**  
**Appeals Dismissed - 0**  
**% Appeals Allowed - 0%**

Appeal Decisions Oct-Dec 2021 Decision by Committee Contrary to Officer Recommendation				
<b>Date of Committee</b>	<b>Application Details</b>	<b>Summary Reason for Refusal</b>	<b>Appeal Decision</b>	<b>Summary of Inspectors Findings</b>
NONE	NONE	NONE	NONE	NONE

**4 SPEED OF PLANNING DECISIONS**

- 4.1 In accordance with the published government standards, speed of decision applies to all major and non-major development applications, with the threshold for designation set as follows:

Speed of Major Development (and County Matters) – 60% of decisions within timescale (13 or 16 weeks or such longer time agreed with the applicant)

Speed of Non-Major Development - 70% of decisions within timescale (8 weeks or such longer time agreed with the applicant)

- 4.2 In December 2020 MHCLG announced that there would be two periods assessed for the purposes of designation:
- Decisions made between October 2018 and September 2020 (as previously reported, the Council is not at risk of designation for this period)
  - Decisions made between October 2019 and September 2021 (as previously reported, the Council is not at risk of designation for this period)



4.3 Although, no announcements regarding further periods for assessment have been made, it is considered that monitoring of the next rolling two year assessment period should take place – this would be decisions between 1 October 2020 and 30 September 2022.

4.4 Performance to date on these is as follows:

October 2020 to December 2021 (to date)

Major Development (33 out of 34) – 97% in time

County Matter (0 out of 0) – N/A

Non-Major Decisions – (2529 out of 2621) 96% in time

4.4 The Council is currently not at risk of designation due to speed of decisions. The figure for future periods will continue to be monitored.

## 5 PLANNING ENFORCEMENT

5.1 There are no designation criteria for planning enforcement. For the purposes of this report, it is considered useful to summarise the enforcement activity in the relevant quarter. This information is provided below:

Oct – Dec 2021	
Number of Enforcement Complaints Received: 147	
Number of Enforcement Complaints Closed: 145	
Number of Enforcement Notices Issued: 24	
Enforcement Notices Issued in Quarter	
Address	Subject of Notice
2 Berther Road, Hornchurch	1) Unauthorised extensions, enclosures, seating areas and heat pumps 2) Breach of conditions – noise measures
5 Dorian Road, Hornchurch	Unauthorised building
99 Howard Road, Upminster	Unauthorised roof enlargement
Units H and I, 23 Danes Road, Romford	Unauthorised change of use to gym
26 King Edward Avenue, Rainham	Unauthorised roof extensions
319 Rush Green Road, Romford	Unauthorised use of rear for storage
East Hall Farm, East Hall Lane, Rainham	Unauthorised use for car repairs and breaking and open storage. Unauthorised office buildings.
Old Station Lane, Rainham	Unauthorised take-away food trailer
23 Montgomery Crescent, Romford	Unauthorised HMO

7-9 High Street, Hornchurch	Unauthorised rear extension
7 Argus Close, Romford	Unauthorised change of use of extension to separate dwelling
56 Athelstan Road, Romford	3 x Breach of Condition 1) Details of cycle storage, vehicle access, refuse 2) Accordance with plans, provision of parking, provision of balcony screens 3) Landscaping, lighting and boundary treatment not in accordance with plans
17-19 Billet Lane, Hornchurch	Unauthorised rear dormers and conversion of upper floors to 4 flats.
49 Gordon Avenue, Hornchurch	Unauthorised dormers
54 Frederick Road, Rainham	Unauthorised cattery business
94 Shepherds Hill, Romford	Unauthorised dog walking business and CCTV cameras
12 Rosemary Avenue, Romford	Breach of Condition – no construction method statement approved
347 Rainham Road, Rainham	Unauthorised HMO
88 White Hart Lane, Romford	Unauthorised conversion to 2 dwellings
3-7 Billet Lane, Hornchurch	Unauthorised rear dormer and conversion of upper floors to 4 flats
Judith Anne Court, Westbury Terrace, Upminster	Breach of Condition – provision of refuse and cycle storage facilities