



# Havering

L O N D O N   B O R O U G H

## PLANNING COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 26 August 2021</b>	<b>Havering Town Hall, Main Road, Romford</b>
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Members 8: Quorum 3

### 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:  
Richard Cursons 01708 432430  
[richard.cursons@onesource.co.uk](mailto:richard.cursons@onesource.co.uk)**

**To register to speak at the meeting please call 01708 433100  
Before 5.00pm on Tuesday 24 August 2021**

## **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.

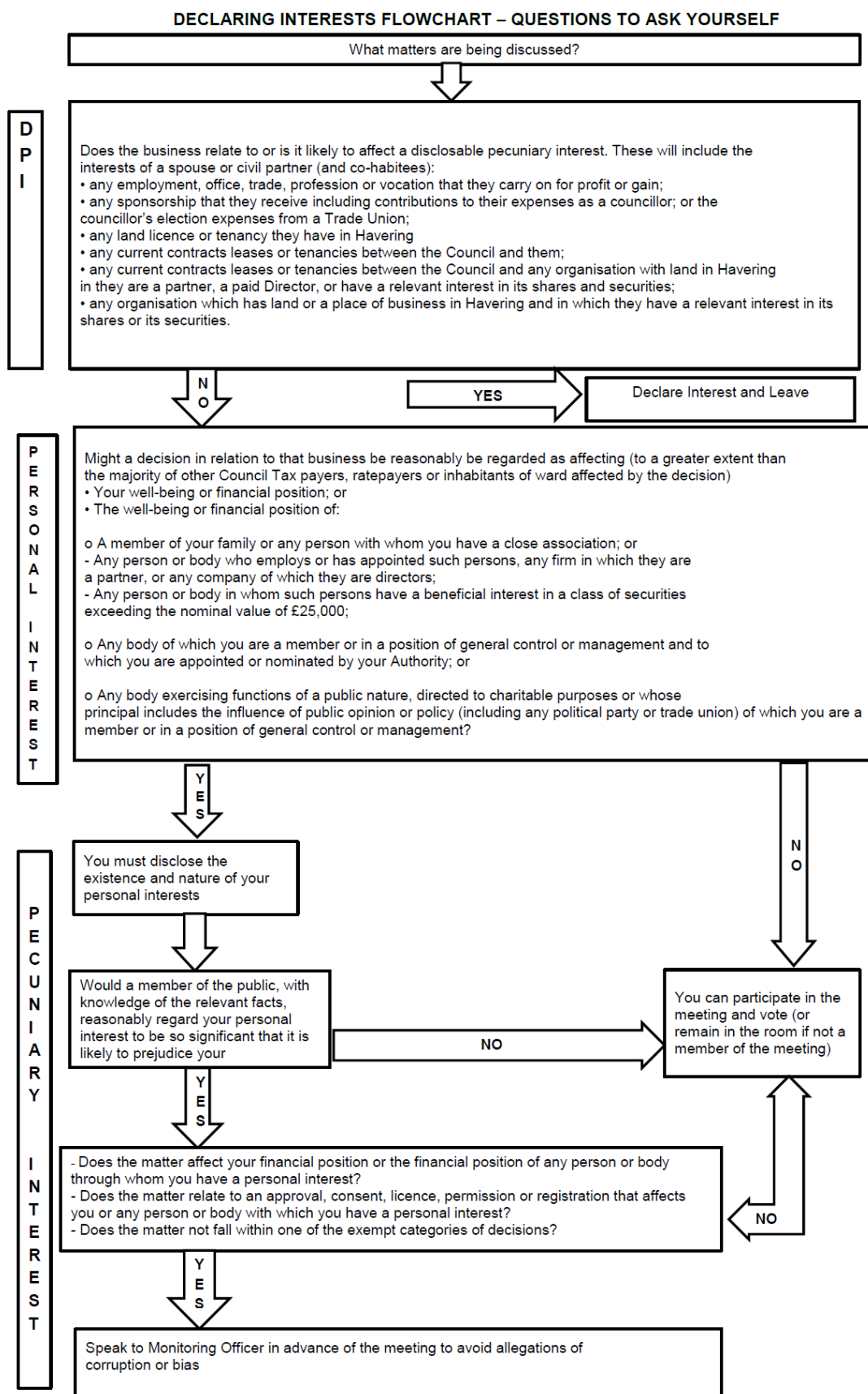
Reporting means:-

- 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.



## **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 1 July 2021 and to authorise the Chairman to sign them.

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

See attached document

**6 P0866.21 - 109A FRONT LANE, CRANHAM (Pages 7 - 14)**

Report attached.

**7 P0492.21 - 12 BERKELEY CLOSE, UPMINSTER (Pages 15 - 32)**

Report attached.

**8 P0681.21 - 51 SPRINGFIELD GARDENS, UPMINSTER (Pages 33 - 40)**

Report attached.

**9 ITEMS FOR INFORMATION (Pages 41 - 42)**

See Attached document.

**10 PLANNING COMMITTEE - QUARTERLY PERFORMANCE (Pages 43 - 48)**

**Andrew Beesley  
Head of Democratic Services**

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**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
Council Chamber Town Hall, Main Road, Romford  
1 July 2021 (7.30 - 9.30 pm)**

**Present:**

**COUNCILLORS: 8**

<b>Conservative Group</b>	Robby Misir (in the Chair) Carol Smith (Vice-Chair), Philippa Crowder and Matt Sutton
<b>Residents' Group</b>	Stephanie Nunn
<b>Upminster &amp; Cranham Residents' Group</b>	John Tyler
<b>Independent Residents Group</b>	David Durant
<b>Labour</b>	Paul McGeary

Councillors Roger Ramsey and Ray Best were present for parts of the meeting virtually.

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

**5 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

**6 MINUTES**

The minutes of the meeting held on 3 June 2021 were agreed as a correct record and signed by the Chairman.

**7 P0285.21 - NEW CITY COLLEGE HAVERING, ARDLELIGH GREEN  
CAMPUS**

The Committee noted that the application had been called-in by Councillor Roger Ramsey.

With its agreement Councillor Ramsey addressed the committee.

The Committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION** subject to the conditions contained in the report. The vote for the resolution to grant planning permission was carried by 7 votes to 1 against.

Councillor David Durant voted against the motion.

## 8 **P0450.21- 148A CHASE CROSS ROAD**

Members considered the report and noted that the application had been called-in by Councillor Ray Best.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's agent.

The Committee noted the comments read out at the meeting from Councillor John Crowder a ward Member who was unable to attend.

With its agreement Councillor Best addressed the Committee.

The report recommended that planning permission be granted however, following a motion to refuse the granting of planning permission it was **RESOLVED** that **PLANNING PERMISSION BE REFUSED** on the grounds that the cumulative impact of extending the hours of use of the premises which would result a greater intensity and frequency of use, and the location of the existing building, would result in unacceptable levels of noise, disturbance and light pollution associated with vehicles manoeuvring, harmful to the residential amenity of neighbouring properties contrary to Policies DC55 and DC61 of the LDF Development Control Policies DPD and the National Planning Policy Framework.

The vote for the motion to refuse planning permission was carried by 6 votes to 1 with 1 abstention.

Councillors Crowder, Durant, Misir, Nunn, Sutton and Smith voted for the motion.

Councillor Paul McGeary voted against the motion.

Councillor John Tyler abstained from voting.

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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>26 August 2021</b>
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Application Reference:	P0866.21
Location:	109A Front Lane Upminster RM14 1XN
Ward:	Cranham
Description:	Proposed ancillary annex to rear of existing dwelling.
Case Officer:	Jessica Denison
Reason for Report to Committee:	<ul style="list-style-type: none"><li>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</li></ul>

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## 1 UPDATED DESCRIPTION OF DEVELOPMENT

- 1.1. It is noted that the submitted application form described the proposed development as: *'Proposed new studio unit at the top of the rear garden'*
- 1.2. When the application was validated the description of development was entered as: *'Single storey, 1-bed detached dwelling to rear of existing'*.
- 1.3. However following conversations to confirm the intended use of the proposed development with the agent and applicant this was updated to instead state: *'Proposed ancillary annex to rear of existing dwelling'*

## 2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1. The application proposes the construction of a new single-storey annex within the rear garden area of the existing dwelling at No. 109A Front Lane in Upminster.
- 2.2. The proposal is not opposed in principle by any policies of the development plan, and the design is not considered to result in severe harm to the street scene, neighbouring residential amenity or other matters that could not be reasonably overcome by way of conditions and would warrant refusal of the application.
- 2.3. It is not considered that the Council could reasonably defend an appeal against a refusal of the scheme due to the limited harm that the proposal would have

on local character or residential amenity, and therefore the proposed development is acceptable subject to the suggested conditions.

### **3 RECOMMENDATION**

3.1. That the Committee resolve to GRANT planning permission subject to the suggested planning conditions.

#### **Conditions**

1) Time Limit: The development to which this permission relates must be commenced not later than three years from the date of this permission.

2) Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

3) Materials: The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 14 of the application form unless otherwise agreed in writing by the Local Planning Authority.

4) Landscaping: No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

5) Subdivision and access restriction: The garden area shall not be subdivided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

6) Occupation restriction: Any residential occupation of the building hereby approved shall be limited to immediate family members of the family occupying the main house at 109A Front Lane Upminster for residential purposes and shall not be occupied by any other persons.

7) Use restriction: The outbuilding hereby permitted shall not be arranged or disposed of as a separate unit of residential accommodation from the use of the main dwelling.

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1. The application is seeking planning permission for:  
*Proposed ancillary annex to rear of existing dwelling.*

### **Site and Surroundings**

- 4.2. The subject site is located on the western side of Front Lane, is rectangular in shape and covers an area of 360 square metres.
- 4.3. The site is occupied by an existing two-storey dwelling which forms part of a semi-detached pair with a hard-stand area to the east (front) and private open space afforded to the west (rear).
- 4.4. The surrounding area is generally characterised by 1-2 storey residential properties of varying architectural styles, many with ancillary developments within rear garden spaces.
- 4.5. The site has no tree preservation orders or significant constraints.

### **Planning History**

- 4.6. The site has not been subject to any recent planning applications.

## **5 CONSULTATION RESPONSE**

- 5.1. The views of the Planning Service are expressed in section 6 of this report, under the heading "MATERIAL PLANNING CONSIDERATIONS".
- 5.2. The following were consulted regarding the application:

### **LB Havering Street Management (Highways)**

- 5.3. No comments were received.

### **LB Havering Waste and Recycling**

- 5.4. No objections were raised to the scheme.
- 5.5. "Waste and recycling sacks will need to be presented by 7am on the boundary of the property, on the scheduled collection day."

## **6 LOCAL REPRESENTATION**

- 6.1. A total of 4 properties were notified of the application and invited to comment.
- 6.2. No submissions were received.
- 6.3. The following Councillors made representations:

- The proposal was called in by Councillors Gillian Ford and Linda Van den Hende to be determined at a planning committee meeting on the following grounds:
  - Consideration needs to be given to the loss of trees;
  - Consideration as to the external amenity provision; currently this would be shared;
  - Consideration needs to be given to the amount of parking spaces;
  - Clarity required on the access to the development; would this be via the existing property;
  - Due to the width of the garden, the proposed development maybe imposing and could be considered as overdevelopment.

## **7 MATERIAL PLANNING CONSIDERATIONS**

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

- Site layout and amenity provision
- Built Form, Design and Street Scene Implications
- Impact on Neighbouring Amenity
- Car Parking and Highways
- Potential loss of trees

### **Site Layout and amenity provision**

7.2. The London Plan 2021 sets out at Table 3.2 Qualitative design aspects to be addressed in housing developments including 'Layout, orientation and form', 'Outside space' and 'Usability and ongoing maintenance'.

7.3. The Residential Extensions and Alterations SPD states, with regards to annexes and dependent relatives accommodation, the following points of relevance:

*An extension of the house or conversion of an outbuilding may provide an opportunity to accommodate dependent relatives whilst allowing them some degree of independence. A residential annex is defined as accommodation ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The annex must form part of the same planning unit, sharing facilities, including access, parking and garden areas. The Council will attach conditions to prevent the annex becoming a self-contained dwelling.*

*The layout, design and physical relationship between the house and the proposed annex are important considerations, and the proposed annex must demonstrate clear connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. As a guide, the scale should be such that the annex could be used as a part of the main dwelling once the dependency need has ceased.*

- 7.4. The proposed annex would be located at the rear of the property, sharing the amenity space with the existing dwelling. This arrangement is generally consistent with the pattern in the local area and would remain of a useable size for both buildings with approximately 170 square metres of garden between.
- 7.5. The new annex would feature an open plan studio arrangement which would comprise a kitchen, dining, living area and double bedroom, with a separate shower room across 38 square metres. It would also be provided with a small 4 square metre private paved area to the rear.
- 7.6. Overall it is considered that the site layout is well positioned and the level of density is appropriate to ensure adequate internal space for future occupiers as well as useable amenity space to both the main dwelling and proposed new annex.

### **Built Form, Design and Street Scene Implications**

- 7.9 The proposed development would be acceptable on design grounds and when assessed against the Havering Core Strategy (HCS) Policy DC61, which requires new developments to be satisfactorily located and of a high standard of design and layout, which are compatible with the character of the surrounding area and do not prejudice the environment of the occupiers or adjacent properties.
- 7.10 The annex has been designed to be subordinate in scale to the main dwelling with the external appearance consistent in terms of materials to the main dwelling.
- 7.7. The annex would be a single storey building measuring 7.50m (length) x 6.13m (width) x 3.0m (height). The proposal has no impact on the street scene as it is located at the rear of the property, behind the dwelling, over 50 metres from Front Lane. To the rear of the dwelling the surrounding area is characterised by a mixture of outbuildings of various scale and design. The proposed scale, height and bulk of the annex is not considered to harm the existing garden environment or to be excessively dominant or out of character.
- 7.8. In summary, the proposal is considered to be compliant with the objectives of policy DC61 of the HCS and is not considered to represent an overdevelopment of the site and reasonably integrates with local character.

### **Impact on Neighbouring Amenity**

- 7.9. The proposed development is not considered to result in adverse amenity impacts to neighbouring properties with respect to overlooking, overshadowing, loss of daylight, building bulk, sense of enclosure or impacts on outlook.
- 7.10. To the north (side) elevation is No. 111 Front Lane and to the south (side) is No. 109 Front Lane. The proposed annex would be built up against these

shared boundaries for a length of 7.50 metres, projecting 1.20 metres above the existing boundary fences. There would be no windows on these elevations.

- 7.11. To the west (rear) elevation is the rear garden areas of No. 3 and 5 Blenheim Close. Both of these properties feature outbuildings within the rear garden areas with the dwellings provided with a separation distance of at least 16 metres from the proposed annex. The annex would feature a door and one window on this elevation.
- 7.12. The east (front) elevation would face into the rear garden area. The annex would feature a door and two windows on this elevation.
- 7.13. Given its single storey nature, the ground floor positioning of windows, and the separation distance from neighbouring buildings, the proposed annex is not considered to have any adverse impacts on neighbouring properties through overlooking or overshadowing.
- 7.14. Regarding the proposed use as habitable space, it is considered that there would be comings and goings to the annex but no more so than for the main dwelling. The expected level of occupancy by the applicant suggests a level of activity that would not present any immediate amenity concerns. As such, the use as a residential annex would not give rise to an unacceptable level of noise and disturbance to neighbouring occupiers.
- 7.15. Consequently, the proposed development would comply with HCS policy DC61 and the NPPF with respect to neighbouring amenity.

### **Highways and Car Parking**

- 7.16. The Public Transport Accessibility Level (PTAL) of the site is 1b (poor).
- 7.17. Table 10.3 of The London Plan (2021) notes that the maximum parking provision for a 3+ bedroom property with a PTAL score of 0-1 is 'up to 1.5 spaces per dwelling'.
- 7.18. The proposal does not include any changes to the existing access and parking arrangements on site. As such, the site would retain two spaces in front of the donor dwelling.
- 7.19. Given the intended use of the annex as an ancillary structure, and the policy contained within the London Plan regarding maximum parking standards, it is considered that the amount of parking spaces is appropriate and a lack of parking could not be a justifiable reason for refusal. The proposal would meet the objectives of Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.
- 7.20. Details of refuse and cycle storage in line with LDF standards has not been shown. It is considered that there is space within the rear garden area of the site which could accommodate the requirements of the annex, and the existing waste arrangements of the dwelling could be utilised.

### **Trees**

- 7.21. The development as proposed could potentially see the loss of 1-2 small trees in the rear garden, however staff note that none are protected by a tree


protection order (TPO). Moreover, the remaining trees would be located in the central rear garden area and to some degree these would screen the proposed building.

- 7.22. Subject to a detailed layout and landscaping plan for the site, it is not considered that the proposal would be detrimental to the rear garden scene.

### **Conclusions**

- 7.23. The proposed development is deemed to be acceptable with respect to impacts on the street scene, garden scene, neighbouring amenity, the amenity of future occupiers and highway and parking considerations, and broadly in line with relevant planning policy, as outlined throughout the report.
- 7.24. In their advice, the Planning Inspectorate indicates that when refusing an application, the Local Planning Authority must also consider the implications of whether or not the application would succeed at appeal (paragraph 1.2.2 of the “Procedural Guide Planning appeals – England [July 2020]”). Officers consider the application acceptable on its own merits. However, if the Planning Committee intend to refuse the application then consideration would need to be given to the implication of this.
- 7.25. It is recommended that planning permission be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION section of this report (section 2).

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>26 August 2021</b>
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Application Reference:	P0492.21
Location:	12 Berkeley Close, Hornchurch
Ward:	Cranham
Description:	Erection of a 3-bed detached dwelling with associated parking and amenity space and alterations to existing dropped kerb
Case Officer:	Jessica Denison
Reason for Report to Committee:	<ul style="list-style-type: none"><li>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</li></ul>

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

- 1.1. The application proposes the demolition of the existing detached garage and the construction of a new 2-storey, 3-bedroom dwelling to the eastern side of the existing dwelling.
- 1.2. The proposed scale and design of development has been reduced and revised following recent refusals for applications P1714.20 and P0677.20.
- 1.3. The proposal is not opposed in principle by any policies of the development plan, and the design is not considered to result in severe harm to the street scene, neighbouring residential amenity or other matters that could not be reasonably overcome by way of conditions and would warrant refusal of the application.
- 1.4. It is not considered that the Council could reasonably defend an appeal against a refusal of the scheme due to the limited harm that the proposal would have on local character or residential amenity, and therefore the proposed development is acceptable subject to the suggested conditions.

## **2 RECOMMENDATION**

- 2.1. That the Committee resolve to GRANT planning permission subject to the suggested planning conditions.

## **Conditions**

1) Time Limit: The development to which this permission relates must be commenced not later than three years from the date of this permission.

2) Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

3) Materials: The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 14 of the application form unless otherwise agreed in writing by the Local Planning Authority.

4) Site Layout: All buildings must be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. Existing railway infrastructures should not be loaded with additional surcharge from the proposed development unless the agreement is reached with Network Rail. Stability of the ground / embankment adjacent to the railway should not be loaded with increased surcharge to mitigate the risk of instability of the ground which can cause the settlement on Network Rail infrastructure.

5) Drainage: Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

6) Scaffolding, Plants & Materials: Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor

must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

7) Vegetation: The developer shall ensure that no vegetation encroaches onto Network Rail's retained land. No trees or climbing shrubs shall be planted on the area such that they could create a nuisance through falling leaves or penetration of roots or provide a means of gaining access to the railway. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Network Rail recommended species should only be used alongside the railways which are:

Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Permitted: Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

8) Fencing: In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

9) Car parking: Before the building hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

10) Landscaping: No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

11) Boundary treatment: Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

12) Visibility splay: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

13) PD rights restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any other development order repealing or amending the said Order) other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

13) Obscure glazing: The proposed window on the side elevation facing No. 12 shall be permanently glazed with obscure glass not less than LEVEL 3 on the standard scale of obscurity and shall thereafter be maintained.

14) Flank windows: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank walls of the building hereby permitted, unless specific 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.

15) Construction Method Statement: No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) location and time of deliveries;
- c) complaint investigation procedures;

And the development shall be carried out in accordance with the approved scheme and statement.

16) Emissions: Prior to the first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NO<sub>x</sub> boilers with maximum NO<sub>x</sub> Emissions less than 40 mg/kWh. Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable No<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boilers shall be carried out in strict accordance with the agreed details and shall thereafter be permanently retained. Following installation emissions certificates will need to be provided to the Local Planning Authority to verify boiler emissions.

17) Land contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included

showing all the potential pollutant linkages and an assessment of risk to identified receptors.

- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

18) Contamination:

- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

19) Noise: (purpose built houses)

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

20) Prior to the commencement of any development, an assessment shall be undertaken of the impact of:

- a) railways noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995)
- b) vibration from the use of the railway lines

Upon the site. Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to and approved in writing by the Local Planning Authority, implemented prior to occupancy taking place.

21) Hours of construction: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

22) Accessibility: All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

23) Water Efficiency: All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

## **Informatives**

- 1) Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 38 of the National Planning Policy Framework 2018, improvements required to make the proposal acceptable were negotiated with the agent via email in May 2021. The revisions involved increasing the proposed dwellings setback from the front to better align with the donor dwelling as well as including dimensions for the car parking spaces. The amendments were subsequently submitted on 12 May 2021.
- 2) The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The Mayoral CIL levy rate for Havering is £25/m<sup>2</sup> and is chargeable for each additional square metre of residential gross internal [floor] (GIA). Based upon the information supplied with the application, £1,300 would be payable due to result in a new residential property with

86m<sup>2</sup> of net additional GIA, however this may be adjusted subject to indexation.

The proposal is also liable for Havering Council's CIL. Havering's CIL charging rate for residential is £125m<sup>2</sup> (Zone A) for each additional square metre of GIA. Based upon the information supplied with the application, £6,500 would be payable, subject to indexation.

These charges are levied under s.206 of the Planning Act 2008. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website. You are also advised to visit the planning portal website where you can download the appropriate document templates at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whatto-submit/cil>

- 3) Changes to the public highway (including permanent or temporary access)
  - The developer is notified that they must enter into a Section 278 (s278) Highways agreement prior to commencing civil work on the Highways.
  - Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

#### Highway legislation

- The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

#### Temporary use of the public highway

- The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence from the Council. If the developer required scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

#### Surface water management

- The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

- 4) Before occupation of the residential dwelling hereby approved, it is a requirement to have the property officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

### 3 PROPOSAL AND LOCATION DETAILS

#### Proposal

- 3.1. The application is seeking planning permission for:

*Erection of a 3-bed detached dwelling with associated parking and amenity space and alterations to existing dropped kerb.*

#### Site and Surroundings

- 3.2. The subject site is an irregular shaped corner site, covering an area of 314sqm, located at the end of Berkeley Close on the southern side where it backs onto the railway embankment.
- 3.3. The site is occupied by an existing two-storey 3-bedroom dwelling forms part of a semi-detached pair with private open space afforded to the east (side) and south (rear).
- 3.4. Vehicle access is provided via two separate crossovers, one leading to a paved at-grade parking area immediately in front of the dwelling providing space for

2 cars and the other leading to a separate detached single garage in the south-eastern corner.

- 3.5. The topography of the site is characterised by a gradual incline in from west to east along Berkeley Close.
- 3.6. The street scene along Berkeley Close is generally characterised by a pattern of two storey semi-detached dwellings (with one detached dwelling at No. 98 Berkeley Drive) featuring gable end roofs and front hard stand car parking or garages.
- 3.7. The site has no tree preservation orders or significant constraints.

### **Planning History**

- 3.8. P1714.20 was refused on 23 February 2021. It had sought:  
*Two storey, 2-bed detached dwelling for use as 2x1-bed self contained flats, with associated parking and amenity space, involving demolition of existing detached garage.*
- 3.9. The reasons for refusal were:
- 1) The proposed development would, by reason of its height, bulk, mass and design in this prominent location, combined with its proximity to the boundaries of the site, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
  - 2) The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
  - 3) The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.
- 3.10. P0677.20 was refused on 21 July 2020. It had sought:  
*Proposed demolition of existing detached garage and segregation of existing residential site to create purpose built maisonette with 2No. 1 bedroom properties.*
- 3.11. The reasons for refusal were:
- 1) The proposed development would, by reason of its height, bulk, mass and design in this prominent location, combined with its proximity to the boundary of the site, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- 2) The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.
- 3) The proposal fails to make safe and convenient access to external amenity space for the occupier of the proposed first floor unit, which would give rise to a poor quality living environment for future occupiers of the proposed development, contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

#### **4 CONSULTATION RESPONSE**

- 4.1. The views of the Planning Service are expressed in section 6 of this report, under the heading “MATERIAL PLANNING CONSIDERATIONS”.
- 4.2. The following were consulted regarding the application:

##### **Network Rail**

- 4.3. No objection subject to complying with requirements (relating to Site Layout, Drainage, Scaffolding, Plants & Materials, Vegetation and Fencing) to maintain the safe operation of the railway and protect Network Rail's infrastructure.

##### **Anglian Water Authority**

- 4.4. No objections were raised to the scheme.
- 4.5. “The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in the site layout. They can do this by accessing out infrastructure maps on Digdat. Please see our website for further information: <https://www.anglianwater.co.uk/development-services/locating-our-assets/>
- 4.6. “Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information: <https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

##### **Northumbrian Water Limited**

- 4.7. No objections were raised to the scheme.
- 4.8. “Our records show, that we do not have any apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection for the new dwellings is made onto our Company network for revenue purposes.”

##### **LB Havering Street Management (Highways)**

- 4.9. No comments were received.

### **LB Havering Waste and Recycling**

- 4.10. No objections were raised to the scheme.
- 4.11. "Waste and recycling sacks will need to be presented by 7am on the boundary of the property, facing Berkeley Close on the scheduled collection day."

### **LB Havering Environmental Health**

- 4.12. No objections subject to conditions relating to Low Emission Boilers, Contaminated Land, Sound Insulation and Railway Noise.

## **5 LOCAL REPRESENTATION**

5.1. A total of 18 properties were notified of the application and invited to comment.

5.2. The consultation attracted a total of 2 objections explored further in the following sections of this report.

5.3. The following Councillors made representations:

- The proposal was called in by Councillors Gillian Ford and Linda Van den Hende to be determined at a planning committee meeting on the following grounds:
  - There are no detached properties in close proximity or indeed in the close, making this out of character with the street scene
  - There is insufficient depth in parking space to the front of the property, resulting in parked vehicles overhanging the public footway;
  - The property will over shadow number 19 Berkeley Close.

### **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**

5.5. The comments are summarised below:

- Out-of-character
- Overlooking
- Overdevelopment of site
- Amenity concerns for future occupiers
- Parking and access issues
- Increase in traffic
- Impact of construction

- 5.6. OFFICER COMMENT: These issues are addressed within the body of the assessment as set out in section 6 below ('Material Planning Considerations'). The relevant section to the points above are indicated in the report, and precedes the relevant heading or paragraph.
- 5.7. It must be noted that officers can only take into account comments that concern relevant material planning considerations and not those based on personal dislikes, grievances, land disputes, values of properties, covenants and non-planning issues associated with nuisance claims and legal disputes, etc.
- 5.8. Whilst not a material planning consideration, a standard condition is recommended to control the hours of construction and limit the impact of construction. A construction methodology statement is also recommended to manage car parking, delivery times and complaints procedures during construction.

## **6 MATERIAL PLANNING CONSIDERATIONS**

- 6.1. The main planning issues raised by the application that the committee must consider are:
- Site layout
  - Built Form, Design and Street Scene Implications
  - Impact on Neighbouring Amenity
  - Car Parking and Highways

### **Principle of Development**

- 6.2. The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres. Residential development in the form of a new dwelling would therefore be suitable according to DC61 of the DPD and not be unacceptable in land use terms.
- 6.3. On 19 January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The results show that within the London Borough of Havering 36% of the number of homes required were delivered over the period from 2017-18 to 2019-2020. As a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of the NPPF is relevant.
- 6.4. The NPPF does offer support for new housing in sustainable locations that represents an efficient use of land. Paragraphs 124-131 of the NPPF is also relevant, which among other things seek to achieve well-designed places that are sympathetic to local character and provide adequate amenity for neighbours and future occupants. Consequently, any proposed development would need to meet these objectives of the NPPF and other relevant planning policies in order to benefit from the presumption in favour of sustainable development.

- 6.5. The provision of additional housing is consistent with the NPPF and CP1 of the Havering Core Strategy as the application site is within a sustainable location in an established urban area with no significant constraints to the site and therefore the proposal is acceptable in principle in land use terms. Notwithstanding, the acceptability of the proposal is subject to a detailed assessment of the impacts of the proposal.

### **Site Layout**

- 6.6. The London Plan 2021 sets out at Table 3.2 Qualitative design aspects to be addressed in housing developments including 'Layout, orientation and form', 'Outside space' and 'Usability and ongoing maintenance'.
- 6.7. Havering's Residential Design Supplementary Planning Document (SPD) builds on this, by seeking to improve the quality of new residential schemes by providing clear design guidance and providing further detail on the implementation of Core Policy CP17 (Design) and Development Control Policies DC2 (Housing Mix and Density), DC3 (Housing Design and Layout) and DC61 (Urban Design).
- 6.8. The SPD notes that the design of new residential development should relate to its setting, ensuring new layouts respond to the size and structure of blocks in the surrounding area. The SPD also states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. It is noted that in situations where development is facilitated by the subdivision of a plot an acceptable arrangement should be retained for donor dwellings. Amenity space should also be generally consistent with local character.
- 6.9. The proposed subdivision will see the donor site reduced from 314sqm to 139sqm, with the new site having an overall area of 175sqm. The donor dwelling would be left with 44sqm of private amenity space to the rear, with the new dwelling shown to have 56sqm. The proposed amenity spaces are generally consistent with the pattern in the local area by backing onto the railway line, and would be of a useable size.
- 6.10. The new dwelling would feature a lounge, open plan kitchen toilet at ground floor across 43sqm, with 3 bedrooms (1 x double, 2 x single) and a bathroom at first floor across 43sqm, creating a gross internal area of 86sqm. The density of the proposed new dwelling would meet the 'Minimum internal space standards for new dwellings' as set out in Table 3.1 of the London Plan 2021 which requires a 2-storey, 3-bedroom, 4-person dwelling to provide 84sqm.
- 6.11. Overall it is considered that the site layout is well positioned and the level of density is appropriate to ensure adequate internal space for future occupiers as well as useable amenity space to both the donor and proposed new dwelling.

## **Design and Street Scene Implications**

- 6.12. The proposed development would be acceptable on design grounds and when assessed against the Havering Core Strategy (HCS) Policy DC 61, which requires new developments to be satisfactorily located and of a high standard of design and layout, which are compatible with the character of the surrounding area and do not prejudice the environment of the occupiers or adjacent properties.
- 6.13. The visual impacts of the development have been lessened from the previous submission (under P1714.20) by reducing the width of the building from 7.0m to 6.40m, and making the detached building appear almost as an extension of the donor site by nature of the proposal being built against the western boundary, and only providing a 1.0m gap between the buildings.
- 6.14. The layout has also been revised from the previous application, so that new dwelling would be aligned with the height and both the front and rear building lines of the donor dwelling at No. 12 Berkeley Close, thereby following the layout pattern of development found within the streetscene. Furthermore, the new dwelling is proposed to be finished in a white painted render with a tiled roof which would fit with the existing dwelling.
- 6.15. Whilst it is recognised that Berkeley Close is primarily characterised by semi-detached pairs and terraced rows, staff note that there is an existing detached garage in this location as well as an existing detached dwelling at No. 98 Berkeley Drive located 50m west of the site. Therefore, the detached nature of the dwelling in itself is not considered a reason for refusal.
- 6.16. In summary, the proposal is considered to be compliant with the objectives of policy DC61 of the HCS and is not considered to represent an overdevelopment of the site and reasonably integrates with local character.

## **Impact on Neighbouring Amenity**

- 6.17. The proposed development is not considered to result in adverse amenity impacts to neighbouring properties with respect to overlooking, overshadowing, loss of daylight, building bulk, sense of enclosure or impacts on outlook.
- 6.18. Given the sites lack of sensitive interfaces being cornered between the end of Berkeley Close and backing onto a railway embankment, there are no external overlooking, overshadowing or privacy concerns to the north, east or south. Although concerns have been raised about impacts on the properties opposite the site, the separation distance of approximately 18m, across a public highway, is considered enough to avoid any detriment in this direction.
- 6.19. The proposed new dwelling is proposed to be built up against the western boundary for a length of 7.90m, with a maximum height of 6.50m (ridge) and one first floor flank window (obscure glazed) to serve the new staircase. The donor dwelling at No. 12 would have a 1.0m setback from the

new shared boundary which given the closeness of the new build, would have an impact regarding some loss of light to their existing flank windows. Given none of these rooms rely on only those flank windows however, the impact is considered acceptable in this case. The orientation of the plot is such that the majority of any overlooking will be contained within the proposed new rear garden areas and not impact habitable room windows to neighbouring dwellings.

6.20. In light of the above the proposal is not considered to have an unreasonable impact on neighbouring amenity with respect to impacts on outlook and sense of enclosure that would warrant refusal of the application.

6.21. Consequently, the proposed development would comply with HCS policy DC61 and the NPPF with respect to neighbouring amenity.

### **Highways and Car Parking**

6.22. The Public Transport Accessibility Level (PTAL) of the site is unclear as it appears to sit between a rating of 0 (worst) and 4 (good). Staff consider given the location of Upminster Railway Station less than 500 metres east, and a short walk along the footpath at the end of the close to the station and town centre the site has relatively good access to public transport and local services.

6.23. Table 10.3 of The London Plan (2021) notes that the maximum parking provision for a 3+ bedroom property with a PTAL score of 0 is 'up to 1.5 spaces per dwelling' and with a PTAL score of 4 is 'up to 0.5-0.75 spaces per dwelling'.

6.24. The proposal shows the retention of two spaces in front of the donor dwelling, as well as two new spaces to the side of the proposed dwelling. The proposed new spaces both meet the minimum size which is 2.4m x 4.8m, however one of the existing spaces falls just short. Based on site photos and aerial imagery, the existing dwelling at No. 12 is capable of fitting 2 vehicles within the at-grade area in front, noting that most of the other neighbouring existing houses along Berkeley Close also have shallow parking areas to the front of their properties.

6.25. Given the policy contained within the London Plan regarding maximum parking standards, it is considered that a shortfall in parking provision could not be a justifiable reason for refusal and the proposal would meet the objectives of Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.

6.26. Details of refuse and cycle storage in line with LDF standards have been shown in the rear garden area of the site to the east of the proposed dwelling and are considered suitable.

### **Financial and Other Mitigation**

6.27. As the proposal is for a new dwelling, it would be liable for Mayoral and Havering CIL.

6.28. The garage proposed to be demolished as part of this application has an area of 34sqm. The new dwelling would have a gross internal floor area (GIA)

of 86 square metres. The net additional gross area is therefore  $86 - 34 = 52\text{sqm}$ .

6.29. Mayoral CIL is calculated at a rate of £25/sqm, resulting in liability of £1,300.

6.30. Havering CIL is calculated at a rate of £125/sqm, resulting in a liability of £6,500.

6.31. Both CIL payments would be subject to indexation.


### **Conclusions**

6.32. The proposed development is deemed to be acceptable with respect to impacts on the street scene, neighbouring amenity, the amenity of future occupiers and highway and parking considerations, and broadly in line with relevant planning policy, as outlined throughout the report.

6.33. In their advice, the Planning Inspectorate indicates that when refusing an application, the Local Planning Authority must also consider the implications of whether or not the application would succeed at appeal (paragraph 1.2.2 of the “Procedural Guide Planning appeals – England [July 2020]”). Officers consider the application acceptable on its own merits. However, if the Planning Committee intend to refuse the application then consideration would need to be given to the implication of this.

6.34. It is recommended that planning permission be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION section of this report (section 2).

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>26 August 2021</b>
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Application Reference:	P0681.21
Location:	51 Springfield Gardens, Upminster
Ward:	Upminster
Description:	Part single and part two storey side and rear extensions.
Case Officer:	Seyi Enirayetan

Reason for Report to Committee:

- A Councillor call-in has been received which accords with the Committee Consideration Criteria.

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## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

The application proposes the erection of a two storey side extension that wraps around to the rear with a part two/part single storey rear extension. The current design is a revision of the initially submitted proposal. In contrast, the revision involves the setback of the first floor side extension, lowering of the ridge height and removal of the Pigeon loft outbuilding from the proposal. The proposal is not opposed in principle by any policies of the development plan, and the design is not considered to result in severe harm to the street scene, neighbouring residential amenity or other matters that could not be reasonably overcome by way of conditions and would warrant refusal of the application. It is not considered that the Council could reasonably defend an appeal against a refusal of the scheme due to the limited harm that the proposal would have on local character or residential amenity, and therefore the proposed development is acceptable subject to the suggested conditions.

## 2 RECOMMENDATION

That the Committee resolve to GRANT planning permission

2.1. 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) The development to which this permission relates must be commenced not later than three years from the date of this permission.

2) All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

3) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the extension (s) hereby permitted, unless specific 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.

### **Informative**

Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework July 2021.

## **3 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

3.1. The application is seeking planning permission for:

*The erection of a part two storey side and part two/part single storey rear extension.*

### **Site and Surroundings**

3.2. The application site is a two storey semi-detached, gable roof house located on the north side of Springfield Gardens. The property itself is of an “A frame” design with a substantial original feature gable to the front elevation which is mirrored with the attached neighbour. Viewed from the front, the property also presents a small gable roof dormer at first floor level and modest, single width garage to the side. Including the garage, there is parking for 2 vehicles. At the rear, the property has an unusual original two storey out-rigger which is similar to the attached property. Springfield Gardens is a residential street of mainly 2 storey dwellings of differing individual design and is neither within nor near to a conservation area. The site has no tree preservation orders or significant constraints.

### **Planning History**

D0494.21 – Certificate of lawfulness for a single storey outbuilding to rear for ancillary uses – Awaiting decision.

## **4 CONSULTATION RESPONSE**

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

4.2. No consultation was necessary for this type of consultation.

## **5 LOCAL REPRESENTATION**

5.1. A total of 8 properties were notified of 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:	After consultation, a total of 5 no. representations were received, raising objections as well as comments on the application.
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Petitions received:	No petition received.
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5.3. There were no local groups/societies made representations.

5.4. The following Councillors made representations:

- The proposal was called in by Councillor Ron Ower to be determined at a planning committee meeting on the following grounds:
  - The proposed extension is overbearing and would lead to a significant loss of light to the neighbouring property number 53 Springfield Gardens. Also have concerns over the size of the proposed pigeon loft which is close to number 53 Springfield Gardens and at the rear properties in Sunnyside Gardens, Upminster.

### **Representations**

5.5. 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**

5.6. The comments are summarised below:

- The double level side extension will encroach on house boundary line
- Loss of light
- Concerned about the size and position of the pigeon loft
- The birds will be flying across the garden and sitting on fence
- The pigeon loft will devalue property
- The proposed extension much larger than other recent extensions and therefore would be out of character with surrounding properties
- Extension will be overbearing
- Loss of privacy to house and garden
- Loss of outlook and sense of enclosure
- Party wall agreement yet to be received
- Noise and unhealthy nature of the pigeon loft being swamped by pigeons waste all over neighbouring garden.

5.7.OFFICER COMMENT: These issues are addressed within the body of the assessment as set out in section 6 below ('Material Planning Considerations'). The relevant section to the points above are indicated in the report, and precedes the relevant heading or paragraph.

5.8. It must be noted that officers can only take into account comments that concern relevant material planning considerations.

5.9. Neighbouring occupiers also raised objections concerning pigeon loft, party wall agreement and encroachment. It should be noted that the pigeon loft has been removed from the proposal and matters regarding party wall agreement are civil matters and is not a material planning consideration. The submitted proposed plans indicate that the proposals would not encroach the shared boundary of neighbouring properties.

## **6 MATERIAL PLANNING CONSIDERATIONS**

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

- Issue 1 – Design – Whether the proposal is of an acceptable scale/bulk mass or represents to be out of character with the surrounding properties.
- Issue 2 – Amenity – Impact on light, outlook and privacy.

Issue 1 - Design

6.2 Policy DC61 seeks to ensure that new development is of the highest standards of design which respects, and where possible maintains, enhances or improves the character and appearance of the local area. In particular the form, scale, massing, height of the surrounding neighbouring buildings, public amenity and detailed design.

The Residential Extensions and Alterations SPD states that, the symmetry of semi-detached houses and the spacing between pairs are important

considerations for side extensions. Side extensions should be subordinate to the existing dwelling to ensure they do not unbalance a pair of semi-detached properties, and to maintain the characteristic gap between neighbouring pairs of semi-detached houses. Guidance goes on to suggest that two storey side extensions should be set back at least one metre from the front wall of the dwelling at first floor level, to create a break in the roofline and facade, and avoid a terracing effect. The ground floor level should not project beyond the main building line on the front elevation and preferably should be set back by at least a brick course to provide a good junction between old and new materials.

The proposal includes a combined two storey side and rear extension. The side extension would be setback from the front building line by 1m and would be finished in a hipped roof design, which would match the main roof of the house but sit lower than the roof ridge line. It would be set-off the boundary with the non-attached neighbour and maintain a gap between the houses. The proposed side extension with the setback from the front building line and roof height lower than the main ridge would appear subordinate to the main dwelling and not significantly unbalance the semi-detached pair. The proposal is therefore considered to be policy compliant.

The Residential Extensions and Alterations SPD 2011 states two storey rear extensions should be set in from the common boundary by not less than 2 metres, and should project no more than 3 metres. An equivalent degree of amenity should be secured for the neighbouring dwelling on the non-attached boundary both in terms of the existing house and rear garden and in terms of the ability to build an extension in line with this SPD. For this reason two storey extensions built up to the property boundary of the non-attached dwelling will not normally be acceptable.

The proposal involves the demolition of the existing rear outriggers and the erection of a staggered depth rear extensions. The depth of the proposed ground and first rear extension is consistent with Council guidelines. Whilst the design of the staggered first floor rear extension is one of its kind, it must be noted that other dwellings nearby have been extended in a variety of ways, thus the design would not disrupt the character of the locality, thereby officer consider that it would be difficult to sustain a refusal in the event of an appeal. On balance, the proposed part single part two storey rear/side extensions would not be harmful to the character of the garden scene.

The depth of the single storey extension would align with the guidance contained within the Residential Extensions and Alterations Supplementary Planning Document (SPD). As a general rule, the SPD states that houses can be extended from the rear wall of the original dwelling by up to 3 metres in

depth for a terrace house and up to 4 metres in depth for a semi-detached or detached dwelling. This is to ensure the extension is subordinate to the original dwelling and not harmful to neighbouring amenity.

The proposed extension would be 4metres in depth. Whilst it would span the full width of the dwelling, encompassing to the proposed side extension. The overall height at 3.10m is as a result of the parapet wall but would nevertheless exhibit subservience and would relate acceptably to the existing building and integrate appropriately with the character of the garden scene.

#### Issue 2 - Amenity

The attached neighbour is no. 53 Springfield Gardens. It is noted that Council guidance requires first floor rear extensions to be at a depth of 3m, to be set-in by at least 2m from the attached neighbouring boundary in order to ensure that a reasonable level of amenity is provided.

The proposed first floor rear/side extension will project 3m and is set-in from the attached neighbour's boundary by more than the required 2m separation distance and is therefore considered to be policy compliant. However, this neighbour has extended to the rear, but not full width at ground floor level. The original design of the subject dwelling and its attached neighbour provided a two storey rear projecting wing which resulted in a void to the pair in the centre. The neighbour has extended to the side and rear and followed the building line of the two storey outrigger. Given the location of the rear extension and the openings on the rear of this neighbour, the proposed two storey rear extension has the potential to result in a sense of enclosure and loss of light. It is noted however that these impacts arise largely because the neighbouring extension has been designed and built with this relationship to the application site, and as such less weight is usually afforded to impacts on neighbouring properties resulting from the manner in which they have previously extended.

In terms of the non-attached neighbour at No. 49 Springfield Gardens, it is noted that there is an existing flank window to this property at first floor level which serves a bedroom (it is the sole window for that habitable room). 45 degree line taken from the sill of the neighbour's window would not be broken, but the rear projection of the 2 storey extension would affect outlook rearwards from this window to some degree. It has not been possible to ascertain if this window was original or not as the property has been extended to the rear at first floor level. Also, having being in communication with the resident of 49 Springfield Gardens on 10 August 2021, it was confirmed that the room is rarely used and they are not concerned about loss of light to that room.

There is an existing single storey rear conservatory which will mitigate any severe impact caused to the rear garden of this neighbouring property. In

conclusion, it is considered that the impact to amenity the unattached neighbour would be within acceptable limits.

### **Financial and Other Mitigation**

6.3 The proposal would not attract the Community Infrastructure Levy contributions as the new floor space created would be less than 100 square metres.

### **Conclusions**

6.4 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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## **AGENDA ITEM 7**

### **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> L O N D O N   B O R O U G H	<b>Planning Committee</b> <b>26 August 2021</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, April to June 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, 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 current figures for April 2019 to March 2021 are:

Total number of planning decisions over period: 59

Number of appeals allowed: 2

% of appeals allowed: 3.4%

Appeals still to be determined: 2

Refusals which could still be appealed: 2

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: 1

Refusals which could still be appealed: 0

- 3.4 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. Consequently, it is considered that at this time there is a risk of designation. The figure will continue to be carefully monitored.

- 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 period should take place – this would be decisions between 1 April 2020 and 31 March 2022 with subsequent appeal decisions to December 2022.

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

Total number of planning decisions over period: 40

Number of appeals allowed: 1

% of appeals allowed: 2.5%

Appeals still to be determined: 2  
 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 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 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 table below.

<b>Appeal Decisions Apr-Jun 2021</b>				
<b>Total Number of Appeal Decisions - 21</b> <b>Appeals Allowed - 10</b> <b>Appeals Dismissed - 11</b> <b>% Appeals Allowed - 48%</b>				
<b>Appeal Decisions where Committee Decision Contrary to Officer Recommendation</b>				
<b>Total Number of Appeal Decisions - 0</b> <b>Appeals Allowed - 0</b> <b>Appeals Dismissed - 0</b> <b>% Appeals Allowed - N/A</b>				
Appeal Decisions Apr-Jun 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				

## **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

- 4.3 Performance to date on these is as follows:

October 2019 to September 2021 (to date)

Major Development (45 out of 51) – 88% in time

County Matter (1 out of 2) – 50% in time

Non-Major Decisions – (2982 out of 3303) 90% in time

- 4.4 The Council is currently at risk of designation due to speed of decision in relation to County Matters in the current period – this is based on only two decisions. As there is only three months left, there is a risk that this may lead to designation on this criteria. 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:

Apr – Jun 2021	
Number of Enforcement Complaints Received: 202	
Number of Enforcement Complaints Closed:	144
Number of Enforcement Notices Issued:	47

Enforcement Notices Issued in Quarter	
Address	Subject of Notice
2 Mill Park Avenue, Hornchurch	Unauthorised front boundary wall
59 Suttons Lane, Hornchurch	Unauthorised extension to outbuilding
103 Suttons Lane, Hornchurch	Unauthorised extension
2 Thurloe Gardens, Romford	Unauthorised HMO
9 Oaks Avenue, Romford	Unauthorised HMO
12 Walden Avenue, Rainham	Unauthorised extension
2 Shepherds Hill, Romford	Breach of Condition Notice – accordance with plans and details of waste disposal
11 Beaufort Close, Romford	Unauthorised extension
East Side of Tye Farm, St Mary's Lane, Upminster	Unauthorised use for storage and distribution purposes
Land to rear of 67 Butts Green Road, Hornchurch	Unauthorised use for storage of motor vehicles
30 Charlotte Gardens, Romford	Unauthorised HMO
70 Hillfoot Road, Romford	Unauthorised HMO
22 Larchwood Avenue, Romford	Unauthorised HMO
Queen Moat House, 22 St Edwards Way, Romford	Breach of Condition Notice – details of parking, cycle storage, waste and landscaping
Grove Farm, Brook Street, Brentwood	21 x Notices: Unauthorised change of use from agriculture to various commercial uses
179-181 Cherry Tree Lane, Rainham	1) Unauthorised use of garden for storage of vehicles and building materials 2) Untidy Land Notice
26 Penerley Road, Rainham	Unauthorised use of garage for business purposes
2 Wickford Close, Romford	Unauthorised building to front of property
12 Orchis Way, Romford	Unauthorised HMO
44 Albany Road, Hornchurch	Unauthorised roof extension
Chafford Park Farm, Aveley Road, Upminster	4 x Notices: Unauthorised change of use from car servicing to scaffold yards
57 Nags Head Lane, Upminster	Unauthorised extensions and canopies.
347 Upminster Road North, Rainham	Unauthorised extension

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