



# Havering

L O N D O N   B O R O U G H

## PLANNING COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 4 August 2022</b>	<b>Havering Town Hall, Main Road, Romford</b>
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Members 7: Quorum 3

### COUNCILLORS:

**Conservative Group  
(3)**

Philippa Crowder  
Robby Misir  
Carol Smith

**Havering Residents' Group  
(3)**

Bryan Vincent (Chairman)  
Reg Whitney (Vice-Chair)  
Gerry O'Sullivan

**Labour Group  
(1)**

Matthew Stanton

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

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

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

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

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

Reporting means:-

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

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

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

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

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



## **AGENDA ITEMS**

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

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

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

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

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

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

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

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

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

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

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

### **4 MINUTES 7 JULY 2022 (Pages 1 - 2)**

To approve as a correct record the minutes of the meeting of the Committee held on 7 July 2022 and to authorise the Chairman to sign them.

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

See attached document

**6      P0109.22 THE BUNGALOW, 15 BERWICK POND CLOSE (Pages 7 - 20)**

Report attached.

**7      P0419.22 27 HACTON LANE, HORNCHURCH (Pages 21 - 28)**

Report attached.

**8      P0159.22 67 BOSCOMBE AVENUE, HORNCHURCH (Pages 29 - 36)**

Report attached.

**Zena Smith  
Democratic and Election Services  
Manager**

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**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
Havering Town Hall, Main Road, Romford  
7 July 2022 (7.30 - 8.44 pm)**

**Present:**

**COUNCILLORS** Bryan Vincent (Chairman), Reg Whitney (Vice Chairman), Philippa Crowder, Gerry O'Sullivan, Robby Misir, Carol Smith, and Matt Stanton

No Apologies were received for the absence of Councillors.

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

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

There were no apologies for absence.

**16 DISCLOSURE OF INTERESTS**

There were no declarations/disclosures of interests.

**17 MINUTES**

The minutes of the meeting of 7 April 2022 were agreed as a true record of the same and the Chair was authorised to sign them.

**18 APPLICATIONS FOR DECISION**

**19 P0324.22 73 & 75 THE GROVE, UPMINSTER**

The Committee considered the report and noted that the application had been called - in by Councillor Christopher Wilkins.

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

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

The vote for the resolution to grant planning permission was granted by 6 votes to 1 with no abstentions. Councillors P Crowder, Misir, O'Sullivan, Stanton, Vincent and Whitney voted in favour and Councillor C Smith voted against.

20     **P0109.22 THE BUNGALOW, 15 BERWICK POND CLOSE**

This item was deferred to the next meeting and not discussed.

21     **P0291.22 37 CORBETS AVENUE, UPMINSTER**

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

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

The vote for the resolution to grant planning permission was granted by 7 votes to 0 with no abstentions.

Councillors P Crowder, Misir, O'Sullivan, Stanton, Vincent Whitney and Councillor C Smith all voted in favour of the application.

22     **ITEMS FOR INFORMATION**

23     **QUARTERLY PLANNING PERFORMANCE UPDATE REPORT**

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

24     **OTHER PLANNING MATTERS**

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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
  - Havering Local Plan 2016 – 2031(2021)
  - Site Specific Allocations (2008)
  - Site Specific Allocations in the 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>9th June 2022</b>
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<b>Application Reference:</b>	<b>P0109.22</b>
<b>Location:</b>	<b>The Bungalow, 15 Berwick Pond Close</b>
<b>Ward</b>	<b>Rainham and Wennington</b>
<b>Description:</b>	<b>Demolition of the existing bungalow and erection of 2 x 2 storey, 3B4P, semi-detached dwellings with associated parking and amenity space.</b>
<b>Case Officer:</b>	<b>Mark Heaney</b>
<b>Reason for Report to Committee:</b>	<ul style="list-style-type: none"><li><b>A Councillor call-in has been received which accords with the Committee Consideration Criteria</b></li></ul>

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

- 1.1 The application proposes the demolition of existing bungalow and the erection of 2 x 3B4P dwellings with 4 parking spaces, rear garden amenity space and provision of refuse and recycling storage.
- 1.2 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 or the character and appearance of the surrounding area, neighbouring residential amenity or other matters that could not be reasonably overcome by way of conditions and would warrant refusal of the application.
- 1.3 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.

## **2 RECOMMENDATION**

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

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

**Conditions**

- 1) SC4 (Time limit) 3yrs
- 2) SC32 (Accordance with plans)
- 3) SC10C Materials as per application form
- 4) Hard Surface Porus/Run-off - application site
- 5) SC13 (Screen fencing) ENTER DETAILS
- 6) SC05A (Number of parking spaces) ENTER NO.
- 7) SC11 (Landscaping) (Pre Commencement Condition)
- 8) SC13B (Boundary treatment) (Pre Commencement)
- 9) PD rights restriction:
- 10) SC46 (Standard flank window condition)
- 11) SC63 (Construction Methodology) (Pre Commencement)
- 12) SC58 (Refuse and recycling)
- 13) SC44 (Noise Insulation - Dwelling) (Pre Commencement)
- 14) SC59 (Cycle Storage)
- 15) SC62 (Hours of construction)
- 16) SC86 Minor Space Standards
- 17) SC87 Water Efficiency
- 18) 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 NOx boilers with maximum NOx 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 Nox 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.

**Informative's**

- 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 2021, improvements required to make the proposal acceptable were negotiated with the agent via email in February 2022. The revisions involved reducing the height of the dwellings and changing the roof to a hipped roof and changing the the dwellings to be semi-detached. The amendments were subsequently submitted by email on the 18/02/2022.
- 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 new residential gross internal [floor] (GIA). Based upon the information supplied with the application, £1,400 would be payable due to result in two residential properties with 56m<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 new GIA. Based upon the information supplied with the application, £7,000. 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.

4) 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.

5) 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.

6) 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.

7) Before occupation of the residential dwellings 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-andnumbering.aspx>

### **3 PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

- 3.1 The application site is comprised of a single storey detached dwelling with off street parking available on a hardstanding area located to the front of the property. There is a detached garage building located on the east side of the site of which has planning permission (P1390.21) has been granted to demolish it and erect a single storey pitched roof 2 bed dwelling in its place.
- 3.2 The surrounding area is characterised by a mixture of two-storey semi-detached and terraced dwellings and single storey detached dwellings. The dwelling has a brick and render finish with timber detailing and a tiled hipped roof.
- 3.3 The application site is not located within a conservation area or located within the curtilage of a listed building.

#### **Proposal**

- 3.4 The application is seeking planning permission for:

*“Demolition of existing bungalow and the erection of 2 x 3B4P dwellings with 4 parking spaces, rear garden amenity space and provision of refuse and recycling storage.”*

#### **Planning History**

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

**P1390.21** - Single storey, 2-bed, detached dwelling with associated parking and amenity space, following demolition of existing garage.  
Approved 04-11-21 but development not yet implemented.

**P2194.21** - 3 x Three storey, 3-bed, terraced dwellings with associated parking and amenity space, involving demolition of existing bungalow.



Refused on the following grounds:

1) The proposed development would, by reason of its excessive scale, bulk, height, design and cramped layout appear as an unacceptably dominant, oppressive and visually intrusive feature when viewed from nearby gardens and dwellings and be detrimental to visual amenity and to the character and appearance of the surrounding area contrary to Local Plan Policy 26.

2) The proposed layout and design of the development together with the position of the front forecourt parking and the proposed location of the refuse store would create an obstructive and cramped layout and would fail to provide safe, inclusive, accessible and fit for purpose access to the development for future residents contrary to policies 10, 23, 26, 27 and 35 of the Local Plan, policies D4, D5, D6, D11, T2 and T4 of the London Plan (2021).

3) The proposed development would have an unacceptable impact on the daylight received to No. 13 Berwick Pond Close and would result in the loss of outlook and overshadow the rear gardens of No's 12, 14 and 16 Abbey Wood Lane and result in unacceptable overlooking of No. 10 and 12 Abbey Wood Lane to the detriment of the residential amenity of neighbouring occupiers contrary to Local Plan Policy 7.

4) The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that adequate refuse and recycling provision and cycle storage could feasibly be accommodated on-site. The proposed development is therefore contrary to Local Plan policy 23 and 35 and London Plan (2021) policy T5.

5) In the absence of sufficient information it has not been demonstrated that the proposed dwellings would achieve a minimum floor to ceiling height of 2.5m for at least 75 per cent of their Gross Internal Area and would fail to provide a good standard of accommodation for future occupiers contrary to Local Plan Policy 7 and London Plan policy D6.

#### **4 CONSULTATION RESPONSE**

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

4.2 A re-consultation was undertaken on the 18/03/2022 due to revised plans being received which have reduced the height of the dwellings and changed them to being semi-detached dwellings with part hipped roofs.

4.3 The following were consulted regarding the application:

4.4 London Fire Brigade

- No objection - No additional hydrants are required.

4.5 LB Havering Street Naming and Numbering:

- No objection

#### 4.5 Thames Water (Developer Services):

- No objection

### 5 LOCAL REPRESENTATION

5.1 A total of 19 neighbouring properties were notified about the application and invited to comment. A second consultation was carried out to allow residents adequate time to review an overshadowing document that was submitted on the 4<sup>th</sup> of July.

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: 15 of which objected.

5.3 The following Councillor Jackie McArdle made representations:

- Overdevelopment
- Overshadowing but with disturbance,
- Overlooking and impact on privacy
- Covenant on land

5.3 The following former Councillor David Durant made representations:

- Overdevelopment adversely impacting on parking.
- Requirement of conditions to ensure a superior design and materials.
- Implications for existing boundary wall.
- How this back-garden building will be connected to utilities.

5.4 The following former Councillor Jeffrey Tucker made representations:

- Overdevelopment and out of character
- Impact on daylight and sunlight and overshadow
- Inadequate parking provision

#### **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**

- Impact on privacy and overlooking;
- Impact on daylight and sunlight and overshadow adjoining gardens;
- Overdevelopment;
- Impact on on-street parking and access to garages;
- Noise, dust, parking impacts during construction period;

### **Non-material representations**

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

- Water and sewage infrastructure at full capacity (These matters are controlled under building regulations)
- There is a private pathway between No. 15 and the garage block (private rights of access are a civil matter)
- Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).

## **6 MATERIAL PLANNING CONSIDERATIONS**

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

- Principle of Development
- Site layout
- Built Form, Design and Street Scene Implications
- Impact on Neighbouring Amenity
- Highways and Car Parking

### **Principle of Development**

6.2. The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and planning policies and decisions should promote an effective use of land in meeting the need for homes. The London Plan notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality of accommodation and requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. The provision of additional accommodation is consistent with the NPPF, the London Plan and Local Plan Policy 3 as the application site is within a sustainable location.

6.3. Local Plan policy 10 supports residential development on garden land and backland sites subject to the development meeting parts i-v of this policy which is assessed below.

6.4. (i.) The proposals would ensure good access from Berwick Pond Close and would retain existing through routes to the side of each dwelling; (ii.) the proposals would retain and provide adequate amenity space for the new dwellings; (iii.) the proposals would not have a significant adverse impact on the amenity of new occupants and would not be harmful to the amenity of neighbouring occupiers; (iv.) the development would not prejudice the future development of neighbouring sites; (v) It would not result in significant adverse impacts on green infrastructure and biodiversity that could not be mitigated against by condition; (vi.) the site is not within the Hall Lane and Emerson Park Character Areas.

- 6.5. In summary the principle of the redevelopment of the site is considered acceptable subject to other policy considerations discussed below.

### **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 Local Plan policy 7 seeks to ensure that residential development should be of a high design quality that is inclusive and provides an attractive, safe and accessible living environment for new residents whilst ensuring that the amenity and quality of life of existing and future residents is not adversely impacted.
- 6.8. The proposed 3B4P dwellings would each have a (42sqm Ground Floor + 42sqm 1st Floor) GIA of 84sqm. The proposals would meet the LP minimum internal space standards of 84sqm for this type of dwelling. It is considered that the proposed layout and bedroom sizes of the new dwelling would be in accordance with the London Plan policy D6 and the house would provide an acceptable amount of space for day to day living.
- 6.9. The new dwellings would each have a rear gardens of approx. 76sqm (Plot A) and 73sqm (Plot B). The layout is considered to be of sufficient size to provide adequately for the size of the new family sized dwellings proposed. The proposed accommodation would be dual aspect, have good outlook, levels of privacy and receive acceptable daylight within and section plans demonstrate that the internal floor to ceiling heights would comply with LP Policy D6(8).
- 6.10. 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**

- 6.11. The proposed development would be acceptable on design grounds and when assessed against Havering Local Plan Policy 26, which requires new developments that are informed by, respect and complement the distinctive qualities, identity, character and geographical features of the site and local area and respond to distinctive local building forms and patterns of development and respect the visual integrity and established scale, massing, rhythm of the building, frontages, group of buildings or the building line and height of the surrounding physical context.
- 6.12. Design, Scale, Bulk, Massing: The proposed scale, bulk and massing and design of the dwellings has been significantly reduced since the previous refused scheme. The previous (P2194.21) had a width of 13m, depth of 11m and a height of 8.6m. The current scheme has reduced this to having a width of 11.7m, a depth of 8.6m and a height of 6.8m. The proposed semi-detached dwellings would now be of a scale, bulk and design that would be in-keeping with surrounding dwellings and would not appear out of proportion when viewed from nearby gardens and dwellings.

- 6.13. The reduced height and scaled and hipped roofs would allow the buildings to appear visually attractive and in-keeping with the character and appearance of the area. Furthermore, a condition would ensure that there would be soft landscaping to both the front and rear of the site in order for the development to complement the character of the area.
- 6.14. Given the limited size of the plot, proximity to neighbouring properties and the size of the dwellings proposed. It is considered that a condition would restrict permitted development rights to ensure that no extensions could be built without applying for planning permission. This would ensure that the dwellings would remain subordinate within their setting and in-keeping with the character of the area.
- 6.15 Visual Amenity: There has been a significant reduction in scale, bulk, height and massing and alterations to the design of the dwellings when compared to the previous refused scheme. As such it is considered that the proposed scheme would not be harmful to the visual amenity of the area.
- 6.16 Overall, it is considered that subject to conditions the current proposals would respect and complement the distinctive qualities, identity, character and geographical features of the surrounding area.
- 6.17 Materials: The supporting information states that the external walls would be finished in brick and the roof would be finished in concrete tiles. The proposed materials would reflect the materials used within the surrounding context and no objection is raised to the proposed materials.
- 6.18. In summary, the proposal is considered to be compliant with the objectives of policy 26 of the Local Plan and is not considered to represent an overdevelopment of the site and reasonably integrates with local character.

#### **Impact on Neighbouring Amenity**

- 6.19. Local Plan Policy 7 seeks to protect the amenity of existing and future residents the Council will support developments that do not result in i) Unacceptable overlooking or loss of privacy or outlook; ii) Unacceptable loss of daylight and sunlight; and iii) Unacceptable levels of noise, vibration and disturbance.
- 6.20. Privacy and outlook: The scheme has now reduced the width and height of the proposed dwellings since the previous refused application. The current scheme now has a setback distance of 12m between the flank wall of the dwelling on plot 2 and the rear elevation wall of No. 14 Abbey Wood Lane; and a setback of 13.6m from the main rear elevation wall of No. 12 Abbey Wood Lane. There would also be a separation distance of 12m between the rear wall of the dwellings and the rear boundary fence of No. 2 Charlotte Mews to the south-west.
- 6.21. The reduction in scale and massing has improved the situation between the proposed dwellings and outlook from the rear gardens of No. 10 Abbey Wood Lane and No. 2 Charlotte Mews. There would be a separation distance of

approx. 9.6m between the rear wall of the dwellings and the side boundary fence with No. 10. Although there would be some impact on the outlook from the rear garden of No. 10. However, it is considered that this property would still receive acceptable outlook and it could not be justified to refuse the application on this aspect alone.

- 6.22. Given the orientation of the rear windows of the dwelling towards the rear boundary fence of the application site, it is not considered that there would be any unacceptable overlooking within the rear garden of No. 13.
- 6.23. Noting the separation distances and relationships outlined above, it is considered that the proposed first floor rear windows would not result in unacceptable overlooking of surrounding gardens that would warrant a refusal of the application.
- 6.24. The nearest residential windows are located on No. 13 to the south of the site and the front windows of the approved bungalow located opposite which was approved under application ref. P1390.21. The main windows on No. 13 are located on the front and rear of that building and therefore due to the siting and orientation of the dwellings it is not considered that they would have an unacceptable impact on the privacy or outlook from the main habitable windows of this property.
- 6.25. The proposed dwellings would have a maximum height of 6.8m a reduction in height of approx. 1.8m from the previous refused scheme. The separation distance from the approved bungalow (to the east) has been increased slightly to 13.4m from 12.7m as previously proposed (P2194.21). The current scheme has also reduced the number of dwellings proposed to 2 and has altered the placement and orientation of the windows which has improved the relationship with that of the approved bungalow opposite (P1390.21). The revisions to the scheme are now considered to have reduced the impact on the outlook from the approved bungalow opposite and also to that of No 13 to the south.
- 6.26. In addition the number of parking spaces to the front of the dwellings have been reduced to 4. As such it is considered that the current proposals would not have an unacceptable impact on the outlook and privacy to approved bungalow opposite (P1390.21).
- 6.27. Daylight and Sunlight: There is an upper floor side window on the flank wall of No. 13 which serves a landing and there is a ground floor rear kitchen extension which is served by a rear window and rooflight above. The current scheme has increased the separation distance from 1.75m (P2194.21) to 2.4m between the flank wall of house on plot A and the flank wall of No. 13. Given the side window serves a landing and is not habitable room and that the rear building line of the dwellings would not protrude beyond the primary fenestration of the rear kitchen of No. 13. It is not considered that there would be an unacceptable impact on the daylight received within the nearest habitable rooms of No. 13.
- 6.28. As stated above, as the current scheme has now reduced the width and height, included hipped roofs and increased the separation distance from the side

boundaries of the site. It has therefore reduced the impact of overshadowing to the nearest rear gardens of No's 12, 14 and 16 Abbey Wood Lane to the north. It is considered that these rear gardens would still receive adequate sunlight and would not result in unacceptable overshadowing to neighbouring gardens outside of BRE guidance. The Applicants overshadowing assessment also demonstrates that surrounding properties would continue to enjoy acceptable levels of amenity.

- 6.29. Noise: In terms of noise impact, it is not considered that the dwellings (Use Class C3) would have an unacceptable impact on adjoining residential properties as the site would be retained within a residential use within a predominately residential area.
- 6.30. Having regard to all of the above the proposal would not be contrary to Local Plan policy 7, in terms of amenity impact.

### **Highways and Car Parking**

- 6.31 The application site is located in an area with a PTAL of 1b with a poor level of access to public transport and consequently Local Plan policy 24 sets a minimum parking standard for this location of 1.5 spaces per dwelling. Therefore the proposals would be required to provide 3 parking spaces.
- 6.32. The proposals included 2 off street parking spaces per dwelling within the front curtilage of the site. Noting the objections above which raise concerns about parking stress within the area it is considered that 4 parking spaces are acceptable to serve the development and would not have an unacceptable impact on the surrounding highway network. In addition, the previous refused scheme proposed 6 off-street parking spaces and the current scheme has reduced this number to 4. This reduction has overcome officer's previous concerns regarding pedestrian and vehicular access and manoeuvring of vehicles in and out of the site. It has also improved the relationship with the vehicle parking of the approved bungalow opposite.
- 6.33. As such it is considered that the proposals would provide an adequate quantum of on-site parking in accordance with Local Plan policy 24 and London Plan policy T6.1.
- 6.34. Access: The main pedestrian access to the site is from Berwick Close and the site plan shows that there would be adequate space located to the front of the dwellings for pedestrian and inclusive access to each dwelling in compliance with London Plan policy D5. As such the proposed layout and access is considered to be acceptable and the current scheme now overcomes Officer's previous concerns.
- 6.35. Cycle Parking: The supporting plans show that there would be side access to the side of each dwelling which would allow a cycle store to be provided within each rear garden. Further details of the elevations and design of the cycle stores would be secured by condition to ensure compliance with the London Cycling Design Standards and London Plan policy T5 (Table 10.2) and to ensure it is accessible, secure and fit for purpose.

- 6.36. Refuse and Recycling: The supporting information indicate refuse bins would be located within the rear gardens of each dwelling. However it is considered that further details are required to ensure that it could accommodate the required capacity of 45 litres recycling and 180 litres general refuse for each dwelling as set out in the Councils Refuse and Recycling SPD. In addition, a condition would ensure that refuse is only stored on Berwick Pond Close on designated collection days.
- 6.37. Construction Management: It is considered that a condition would be imposed to restrict noisy construction work to be within specific times within that which the Council Noise team recommends.

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

- 6.38 Given the limited scale of the proposals, no specific measures to address climate change are required to be secured in this case.
- 6.39 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
- £7,000. LB Havering CIL
  - £1,300. Mayoral CIL towards Crossrail

### **Equalities**

- 6.40 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 6.41 The application, in this case, raises no particular equality issues.

### **Other Planning Issues**

- 6.42 It is advised that the drainage and sewage matters and private rights of access raised within the objections above are building control matters and are not material planning considerations.

### **Conclusions**

- 6.42 The proposed development is deemed to be acceptable with respect to impacts on the street scene and character of the area, neighbouring amenity, the amenity of future occupiers and highway and parking considerations.
- 6.43 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.

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

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 <b>Havering</b> L O N D O N   B O R O U G H	<b>Planning Committee</b>  <b>4<sup>th</sup> August 2022</b>
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<b>Application Reference:</b>	<b>P0419.22</b>
<b>Location:</b>	<b>27 Hacton Lane, Hornchurch</b>
<b>Ward</b>	<b>St. Andrew's</b>
<b>Description:</b>	<b>Single storey rear extension and patio.</b>
<b>Case Officer:</b>	<b>Aidan Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b>

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

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

## **2 RECOMMENDATION**

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

### **Conditions**

1. SC04 – Time limit
2. SC10 – Matching materials
3. SC13 – Screen Fencing (1.7m high above patio)
4. SC32 – Accordance with plans.
5. SC46 - Standard Flank Window Condition.
6. SC48 – Balcony condition
7. SC60 – Contaminated Land Condition (Pre-commencement)

### **Informatives**

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

## **3 PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

- 3.1 The application site is located on Hacton Lane. The site contains a two storey semi-detached dwelling and is finished in pebble-dash.
- 3.2 There is parking on the drive to the front of the property. The surrounding area is characterised by predominately two storey dwellings.

### **Proposal**

- 3.4 Planning permission is sought for a single storey rear extension which would extend the full width of the dwelling, be 6m deep and have an eaves height of 2.7m from ground level and an overall height of 2.9m. A roof light would project approximately 35cm above the flat roof.
- 3.5 A patio is shown on the submitted drawing at 30cm in height and this can be added under permitted development normally. A close boarded fence of 1.7m would be erected on the side of the patio adjacent to No.25.

### **Planning History**

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

Y0363.21 - Single storey rear extension 6m deep x 2.7m max height x 2.7m to the eaves – Refused at Validation (A planning application is required).

## **4 CONSULTATION RESPONSE**

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 The application site falls within a contaminated land area and should the application be approved, a contaminated land condition would be imposed. The agent has agreed in writing to this condition.

## **5 LOCAL REPRESENTATION**

- 5.1 A total of 3 neighbouring properties were notified about the application and invited to comment.

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

No of individual responses: 4 received from the same resident, objecting to the proposal.

- 5.3 The following Councillor made representations:

Councillor Middleton wishes to call the application in on the grounds that:

There would be a loss of amenity and light to the neighbouring property. The 6 metre deep extension will impact on the neighbouring residents.

### **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**

- Loss of privacy from the patio.
- Loss of light to the rear of the property due to depth and height of proposal.
- Depth of the proposal is beyond the 3m allowed under permitted development.

### **Non-material representations**

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

- Issues regarding building over main drain.

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

- Neighbouring conservatory not correctly depicted.

OFFICER COMMENT: The depiction of the neighbouring conservatory is duly noted but this would not have prevented the determination of planning application as this error was noted during the officer's site visit and from the photos provided to assess the application.

- No notification from applicant prior to submission regarding the proposal so no compromise could be agreed.

OFFICER COMMENT: There is no requirement under planning legislation for applicants to liaise with neighbours prior to submitting a householder planning application.

### **Procedural issues**

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

- Issues regarding patio and height of extension and fencing.

OFFICER COMMENT: After reviewing the scheme neighbours were re-consulted for clarity due to the extent of the patio to the rear of the extension and the omission of the existing two storey rear projection on the drawings as it was not included on the initial submission. The Officer visited site to assess the impact of the proposal and for measurements to be taken.

## **6 MATERIAL PLANNING CONSIDERATIONS**

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

- The visual impact arising from the design and appearance of the single storey rear extension and patio on the area.
- The impact of the development on neighbouring amenity
- Highways and parking issues

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

- The Council Residential Extensions and Alterations SPD refers to single storey rear extensions. There are a number of ground floor rear extensions within the surrounding area. The proposed single storey rear extension and patio would only be visible from the rear garden environment. It is considered that the proposed single storey rear extension would relate satisfactorily with the existing dwelling.
- Patios to a height of 30cm can normally be constructed under permitted development. However, as the patio would project from the proposed 6m deep rear extension, it is considered necessary to show it on the proposed plans.
- It is considered that the single storey rear extension and patio would not unacceptably impact on the street scene or the rear garden environment and no objections are raised from a visual point of view.

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

- The overall depth and height of the single storey rear extension at 6m and 3.5m respectively exceeds normal guidelines. Consideration has therefore been given to a refusal of planning permission on the basis of the impact upon the adjacent neighbours.
- However, the Council are required to consider if there are any mitigating circumstances for the acceptability of the scheme.

- In respect to No.29 Hacton Lane, it is noted that this neighbouring property projects further back into the plot and has a pitched roof, ground floor, rear projection. The overall projection beyond the rear elevation of No.29 would be less than 4m and is envisaged within guidelines as acceptable when considering the impact of a 4m deep extension for a semi-detached or detached property on the boundary with a neighbour that has not previously been extended. The height and depth of the proposal would be also mitigated by the space created by the side access between the flank wall of the extension and the boundary adjacent to No.29. It is considered the proposed rear extension would not impact on the amenity of the residents at No.29 Hacton Lane.
- Of a greater concern is the potential impact of the proposal on the attached neighbour at No.25 Hacton Lane, which is the adjoining semi-detached property. It is noted that this neighbour has a conservatory along the boundary with No.27 Hacton Lane. There is no planning records for this conservatory and therefore it is considered that this has been constructed under permitted development pre-2008. The neighbouring conservatory has a depth of approximately 2.95m along the boundary with the application site before chamfering off into their garden. It is noted that the flank windows in the conservatory have been filled in facing the application site.
- The installation of flank windows on or close to the boundary are discouraged, as these windows claim light from exclusively outside of the site over land which a resident has no control. In such circumstances, the Local Planning Authority cannot undertake to safeguard the entry of light to the flank windows on the adjacent extension.
- It is noted that the attached neighbour lies to the north east of the application site and therefore the proposal would cast a shadow and reduce the amount of sunlight to the extended rear elevation of No.25. However, an overall projection beyond No.25's rear extension (conservatory) of approximately 3.05m is not unusual and is envisaged within guidelines as acceptable when considering the impact of a 4m deep extension on the boundary with a neighbour that has not previously extended.
- The roof of the single storey rear extension would have an overall height of 2.9m excluding the roof light/lantern and an eaves line of 2.7m from ground level as shown on the proposed side elevation.
- The ground level slopes downhill from the rear of the application dwelling towards the rear boundary and this is a characteristic with the ground levels on either side within the neighbouring gardens. In addition, there seems to be a variance of the approximately 20cm between the ground level at No.25 and the application site and the ground level gently slopes from north to south and along this section of Hacton Lane.

- It is considered that the depth and height of the proposed rear extension would not unacceptably impact on the amenity of the attached neighbour at No.25 Hacton Lane.
- The proposed roof light on top of the rear extension would be sufficiently removed from the sides of the extension, not to unacceptably impact on the adjacent neighbours.
- The height of patio at 30cm complies with permitted development guidelines. It is suggested that in the instance that the application is recommended for approval that a 1.7m high fence be erected to protect the privacy of the adjacent neighbours at No.25 as the space between the patio and the boundary with No.29 would alleviate the potential impact from the extended patio. To safeguard the privacy of the adjoining neighbours, conditions have been imposed, for the inclusion of a screen fencing to the patio and to ensure that no openings will be added to the side of the proposed extensions or that the flat roof of the rear extension would not be used as a balcony, roof garden or similar amenity area, unless specific permission is obtained in writing from the Local Planning Authority.
- Given these circumstances and mindful of the general presumption in favour of development, it is considered any impact upon the adjacent neighbours to be modest and within that envisaged as acceptable within guidelines.

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

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

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

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

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

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

#### **Equalities**

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

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


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



**Conclusions**

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

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>4<sup>th</sup> August 2022</b>
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<b>Application Reference:</b>	<b>P0159.22</b>
<b>Location:</b>	<b>67 Boscombe Avenue, Hornchurch</b>
<b>Ward:</b>	<b>St Andrews</b>
<b>Description:</b>	<b>Single Storey Rear Extension</b>
<b>Case Officer:</b>	<b>Kelvin Naicker</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria</b>

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

- 1.1 The single storey rear extension would be acceptable and not have a detrimental impact on the rear garden environment.
- 1.2 Furthermore, the scale and sitting of the single storey rear extension is not judged to result in material harm to the neighbouring amenity.

## **2 RECOMMENDATION**

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

### **Conditions**

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

### **Informatives**

- 1. Party Wall Act.
- 2. INF28 – Approval following revision

### **3 PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

- 3.1 The application site features a two storey semi-detached residential dwellinghouse.

It currently benefits from a single storey rear extension.

It is not a listed building, nor is located within a conservation area.

#### **Proposal**

- 3.2 Planning permission is sought for a single storey rear extension.

The host dwelling's existing rear extension measures approximately 4.50m wide, 3.90m deep and has an eaves height of 2.84m rising to a maximum height of 3.84m.

The proposed rear extension would measure approximately 5.50m wide, 5.25m deep and would have an eaves height of 2.81m rising to a maximum height of 3.90m.

A rear extension projecting approximately 6.30m deep was originally proposed as part of the application. However, concerns were raised about its impact on no. 65 Boscombe Avenue, who do not benefit from a rear extension that would have mitigated the impact of the proposed development on their amenity. The 6.30m deep proposal would have infringed upon a 45-degree notional line taken from the 4m point along the shared boundary with this neighbour. In light of this, it was advised that the scale and depth of the proposal be reduced so as for it not to infringe upon this 45-degree notional line taken from the 4m point along the common boundary with no. 65. The agent agreed to this amendment. Given that this modification to the scheme resulted in the proposals having a reduced impact on neighbouring properties (a reduction in the depth reduced the bulk, scale and mass of the development), it was not considered necessary to re-consult the neighbouring occupants about the amended proposals.

#### **Planning History**

- 3.3 No relevant planning decisions relevant to the application could be found.

### **4 CONSULTATION RESPONSE**

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

- 4.2 Consultation of Statutory Consultees were not required.

## **5 LOCAL REPRESENTATION**

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

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

No of individual responses: 2 of which, 2 objected

5.3 The following Councillor made representations:

Councillor Paul Middleton wishes to call the application in on the grounds that:

It is over development in the area. The building will remove light from the neighbours – it will not allow for the 45 degree angle of sunlight that has been enjoyed for over 40 years by at least one of the neighbouring homes.

### **Representations**

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

#### **Objections**

- The proposal would exceed guidance set out in the SPD
- Negative impact on outlook enjoyed by and daylight entering adjacent properties
- Would be out of scale in comparison to adjacent properties
- Would have a negative impact upon Fielders Sports Ground by setting a precedent for similar large extensions which overlook and are overlooked by an area considered a distinctive space.
- As subject site is situated next to areas that the Council considers part of the Historic Built Environment, namely Langtons Estate encompassing Fielders Field, it would have an impact on the borough's historic environment
- Setting a large precedent for domestic extensions would negatively affect the views, landscapes and character of the Langton conservation area
- Would be an overdevelopment of the site. Size of proposed extension will be equivalent to excess of 100% of the original floorspace.
- Severely block sunlight and daylight, sense of enclosure and overshadowing and create a tunnel effect
- Mechanical vent would cause problems associated with smells
- Refute statement on application form that parking during any building works would not be an issue

✚ It is noted that information including diagrams of the proposed extension's projected impact as well daylight level measurements were submitted by objectors during the application process.

### **Procedural issues**

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

- Errors on drawings

OFFICER COMMENT: The officer visited the site. The submitted drawings are considered to broadly reflect the site.

- Crucial measurements are missing from the drawings; (i) maximum height of the enlarged part and (ii) the height to the eaves of the enlarged part

OFFICER COMMENT: It is noted that the eaves and maximum height of the proposed rear extension are not explicitly indicated on the submitted drawings. Nonetheless, it is considered that the information submitted is sufficient for the application to be assessed and a decision to be issued.

## **6 MATERIAL PLANNING CONSIDERATIONS**

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

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

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

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

- The Council's Residential Extensions and Alterations SPD advises that semi-detached houses can be extended from their rear walls by up to 4m, and should not exceed 3m in height if a flat roof is proposed. Guidelines go on to suggest that if a greater depth is required it should be within an angle of 45 degrees, taken from the 4m dimension on the property boundary.
- The guidance is reinforced by policy 7 (residential design and amenity) of the local plan, which seeks to ensure any development would be of an acceptable design. The depth of the rear extension to the host dwelling as a result of the proposal - at 5.25m - would not meet guidelines set out in the SPD.
- Staff have given consideration to the depth and scale of the proposed extension. Whilst the proposal would be deeper than commonly found along Boscombe Avenue, the host dwelling benefits from a sizable rear garden, meaning that the extension would not dominate its rear garden scene. As there would be a considerable amount of rear garden space left as a result of the extension (over 18m), it is not considered that the

proposal would represent an overdevelopment of the site. Given that the proposal is judged to not adversely affect the character of the property or the visual amenities of the rear garden scene, on balance therefore, its impact on the rear garden environment is considered acceptable.

- To the rear of the site is Fielders Sports Ground, situated within the Langtons Conservation Area. Given that the rear of the proposed extension would be some distance away from the back of the host dwelling's rear garden and from the footpath within Fielders Sports Ground, it is considered that it would not overlook or cause harm to the views, landscapes and character of the sports ground or Langtons Conservation Area.
- While no balcony has been proposed on the flat roof of the proposal, it is considered prudent to impose a condition restricting it from being utilized as a terrace or similar amenity space in order to prevent any unacceptable overlooking or loss of privacy to neighbouring properties. A matching materials condition will also be imposed to ensure that the appearance of the host dwelling and the character of the immediate area are safeguarded.

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

- Policy 7 of the local plan also seeks to ensure any development would have an acceptable impact upon the amenities of the adjoining occupiers.
- In terms of the proposal's impact on the attached neighbouring property no. 69 Boscombe Avenue, staff note that it benefits from a single storey rear extension. Given the extension to this neighbour, the proposal would project approximately 2.50m beyond the rear of this neighbouring dwelling, which would be less than the 4m normally permissible by the SPD where a semi-detached neighbour has not previously extended. Therefore, although a 45-degree notional line taken from the 4m point along the common boundary between the host dwelling and this neighbour would be infringed upon by the proposed extension, it is considered that the impacts of the proposal's depth and height on the host dwelling's attached neighbour in terms of outlook, light, overshadowing and sense of enclosure would be within acceptable realms because the extension to no. 69 is judged to mitigate the impacts of the proposal on these neighbouring occupants.
- As for the impact of the proposed rear extension on the unattached neighbouring property no. 65 Boscombe Avenue, both this neighbour and the subject property are set in from their shared boundary, separated by a side access road over approximately 2.50m wide. A 45-degree notional line taken from the 4m point along the shared boundary between this neighbour and the host dwelling would not be infringed upon by the proposal. This, in conjunction with the separation distance between the subject site means it is considered that the impact of the proposal on these

neighbouring occupants in terms of loss of outlook and privacy would also be within acceptable realms.

- Orientation is also important and as the rear garden of this neighbour is east facing, it is considered that both the attached and unattached neighbours would continue to receive a satisfactory amount of sun and daylight during the day.
- No. 66 Boscombe Avenue and all other neighbouring properties are considered to be sufficiently separated from the proposal such that it would not cause a detrimental impact on their amenities.
- It is considered that any impacts arising from smells from the mechanical vents of the extension would not be so significant so as to warrant the refusal of the entire scheme.
- While no balcony has been proposed on the flat roof of the proposal, it is considered prudent to impose a condition restricting it from being utilized as a terrace or similar amenity space in order to prevent any unacceptable overlooking or loss of privacy to neighbouring properties. Also, to ensure that the extension would not result in a loss of privacy to or damage the environment of neighbouring occupants, staff consider it prudent to impose a condition which prevents windows or other openings being formed in the flank walls of this proposed development unless permission is sought and obtained from the Council first.

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

- The proposed development would not affect off street parking. No highway or parking issues would arise as a result of the proposal. It is considered that any car parking issues caused as a result of building works that take place in relation to the proposal would not be so significant so as to warrant a refusal of the scheme.

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

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

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

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

#### **6.7 Equalities**

- The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:
  - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;



- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- In this case, the application raises no particular equality issues.

### **Conclusions**

6.8 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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