

# REGULATORY SERVICES COMMITTEE

30 January 2014

# REPORT

**Subject Heading:**

P1321.13 – 27 Hornford Way, Romford – Demolition of existing bungalow and garage and replace with 1 No. detached 2 storey 3-bedroom house with roof accommodation and 2No. 2-storey 3-bedroom semi-detached houses with roof accommodation including a new vehicular access to highway and ancillary parking spaces (received 13 November 2013; revised plans received 14 January 2014)

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This report concerns an application for the demolition of the existing dwelling and the erection of three houses with a new vehicular access and car parking. Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the completion of a Legal Agreement.

## RECOMMENDATIONS

-That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an additional internal gross floor area of 192m<sup>2</sup> which equates to a Mayoral CIL payment of £3,840.

-That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £12,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

-That Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:

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

**Reason:** To comply with the requirements of section 91 of the Town and Country Act 1990.

2. Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans.

**Reason:** The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

4. Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the local planning authority.

**Reason:** In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. Prior to completion of the development hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

6. The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

**Reason:** To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

7. Before any of the buildings hereby permitted is first occupied, screen fencing of a type which have previously been submitted to and approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the new properties and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties in accordance with Policy DC61.

8. No construction works or construction related deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect residential amenity

9. Prior to commencement, a landscaping plan shall be submitted showing all hard and soft landscaping. Once approved in writing by the Local Planning Authority, all planting, seeding or turfing 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 the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Class A, B, D and E namely extensions, roof extensions, porches or outbuildings (or other structures in the curtilage), unless 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.

**Reason:** In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

12. Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

13. Before commencement of the proposed development, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
  - b) storage of plant and materials;
  - c) dust management controls;
  - d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
  - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
  - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
  - g) siting and design of temporary buildings;
  - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
  - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

**Reason:** To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

14. The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

**Reason:** In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

15. The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

**Reason:** To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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 building(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.

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## INFORMATIVES

### 1. Community Safety - Informative:

In aiming to satisfy Condition 12, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

2. The Highway Authority requires the Planning Authority to advise the applicant that 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. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under 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) required during the construction of the development.
4. Fee informative:  
  
Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request (or £28 where the related permission was for extending or altering a dwellinghouse) is needed.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
6. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy

Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

## **Mayoral CIL**

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 192m<sup>2</sup> which equates to a Mayoral CIL payment of £3,840.

### **REPORT DETAIL**

## **1. Site Description**

- 1.1 The application site is located on the southern side of Hornford Way, at its cul-de-sac end. The site lies directly adjacent to a pedestrian entrance to Oldchurch Park/Queen's Hospital. It comprises a detached double-fronted bungalow with detached garage and extensive hardstanding in front on a basically triangular shaped piece of land with its long side to Hornford Way. The residential rear gardens serving properties 18 and 16 Norwood Avenue bound the rear boundary of the site to the other side of access paths. The site area is 0.08 hectares.
- 1.2 The majority of the properties to Hornford Way are two-storey either terraced or semi-detached dwellings. The properties to the rear in Norwood Avenue are also two-storey properties.
- 1.3 There are no parking restrictions on street and at this cul-de-sac end it is heavily parked during the day by those working/visiting the hospital.

## **2. Description of Proposal**

- 2.1 The proposal is for the demolition of the existing bungalow and its replacement with a three, 2-storey properties: a pair of semi-detached houses and a detached house. The dwellings would be set back from the highway by some 6m. The properties are designed with half-hip roofs with front dormers and velux windows to the rear roof slope. The rear elevation would incorporate a single storey element across the width of each of the dwellings with mono-pitch roofs. Roof lights are proposed within the roof slope in this elevation. A rear garden would be provided to each property with a rear garden depth of 16.6m; the tapering garden to the house on Plot 3 is also provided with a side garden.
- 2.2 The proposed pair of semi-detached houses would each be 4.95m wide, 12.15m deep (maximum ground floor) and have a half-hip roof with a ridge height of

9.6m above ground level. The front dormers would be 2.15m wide and 2.6m high with a front gable with a pitched roof.

- 2.3 The proposed detached house would be 6.6m wide (maximum), 12.15m deep (maximum) and have a half-hip roof with a ridge height of 9.6m above ground level.
- 2.3 2 parking spaces would be provided for each property within the front hardstanding, together with waste storage facilities.
- 2.4 The two existing dropped kerbs would be retained and a new vehicular access would be provided for the middle plot onto Hornford Way.

### 3. **History**

P1732.07 - Demolition of existing bungalow and replace with 2 number of 4 bedroom detached houses (as revised plans received 31-10-2007 and additional plans received 01-11-2007) with detached garage and associated parking space – approved 12/11/07

### 4. **Consultation/Representations**

- 4.1 15 neighbouring occupiers were notified of the proposal. There were 4 replies objecting to the proposal on the following grounds:
  - overlooking/loss of privacy/legal right to privacy
  - loss of trees
  - bulk and height of the proposed development
  - the houses would interfere with access to an existing garage
  - too big a project
  - insufficient parking on site
  - unacceptable increase in traffic
  - the dormers in the roof effectively make the properties three-storey
- 4.2 Thames Water - have no objection regarding sewerage infrastructure and that it is the developer's responsibility to ensure proper provision for surface water drainage and that their consent may be needed for work within 3m of a public sewer pipe.
- 4.3 Highways Authority - no objections but request conditions and informatives to be attached if planning permission is granted
- 4.4 LFEP - The Fire Brigade is satisfied with access, however one new fire hydrant will be required to be installed outside No.25 Hornford Way.

### 5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies CP1, CP17, DC2, DC3, DC33, DC35, DC36, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control



Policies Development Plan, and the SPDs on Residential Extensions and Alterations, Residential Design and Planning Obligations are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 6.9, 6.13, 7.4, 7.6 and 8.3 as well as the NPPF.

## 5.2 *Principle of development*

- 5.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre, District, and local Centres and is, therefore, appropriate for residential development in accordance with Policy DC11 of the LDF.
- 5.2.2 The sub-division of existing dwelling plots can be acceptable subject to the characteristics of the plot and surrounding area and detailed design of the proposals.
- 5.2.3 The principle of residential development is therefore considered acceptable in land-use terms and the provision of additional housing is consistent with the NPPF as the application site is within an established urban area.
- 5.2.4 The proposal would contribute to the Mayor's London Plan objective of increasing the overall supply of housing.
- 5.2.5 The Mayor has also set minimum size standards for residential accommodation. In this case, the three houses would have internal sizes of a minimum of 102 sq.m. Even though some of the loft space would have areas of restricted ceiling heights, Staff consider that the proposal would meet The London Plan minimum space requirement for a 3-bedroom 4-person property of 87 sq.m. and the 3-bedroom 5-person minimum of 96 sq.m.

## 5.3 *Density/Site Layout*

- 5.3.1 The proposal is to demolish the existing detached property and replace it with 3 houses. The site area is 0.08 hectares and the proposed density would therefore be 37.5 units per hectare. The range, indicated in Policy DC2, in this location, is 30 - 50 units per hectare and this would therefore be within the defined range.
- 5.3.2 The majority of the bulk of the proposed dwellings would be set off the common flank boundaries. Owing to the constraints of the site, there are a couple of specific pinch points, which would mean that part of the property on Plot 3 would be 1m from the common boundary and similarly in respect of the property on Plot 1. When viewed from Hornford Way and due to the site splaying out to the boundary with the highway, Staff consider that this would appear reasonable in terms of layout.

#### 5.4 *Design/Impact on Street/Garden Scene*

- 5.4.1 The majority of the bulk of the proposed dwellings would be set off the common flank boundaries by 1m (at the pinch points) and there would be a flank-to-flank separation of some 1m between the new dwellings.
- 5.4.2 Policy DC61 and the Residential Design SPD seek to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Staff consider that the appearance of new developments to be compatible with the character of the surrounding area, and that it would not prejudice the environment of the occupiers and adjacent properties. It is considered that the development complies with the objectives of Policy DC61.
- 5.4.3 Policy DC61 also seeks to maintain Havering's existing open and spacious residential character. The character of many streets in the borough is derived from the uniform spacing of dwellings and their symmetry. New dwellings such as the proposed therefore need to be carefully planned so they do not interrupt this delicate balance.
- 5.4.4 The proposal incorporates gable ended/half-hip pitched roofs with front dormers. While not exactly the same as other existing development in the vicinity Staff consider that this design would not appear out of character with existing terraced/semi properties in the street. The proposed dwellings are of the same modest proportions as the existing. Staff recognise that there is an element of judgement here as there is an odd garden arrangement which combined with the existing bungalow gives the southern side of Hornford Way a quite open appearance. Nonetheless it is considered that the 3 dwellings would not appear out of character or otherwise harmful to the streetscene.
- 5.4.5 When viewed from Norwood Avenue as well as Hornford Way the dwellings would follow the same front and rear building lines as other properties along this side of the road.
- 5.4.6 Staff therefore consider that the new dwellings are acceptable additions to the area when viewed from the rear garden and when viewed from the street.

#### 5.5 *Impact on Amenity*

- 5.5.1 It is considered that any overlooking from the subject property would not be significantly different from the overlooking endured by existing properties in the neighbouring terrace or by the donor property itself. Indeed, it is not considered that the residential amenities of adjacent properties would be affected by this proposal.
- 5.5.2 The first floor windows would serve bedrooms with the accommodation proposed within the roof slope benefiting from roof lights. The back-to-back distances with properties in Norwood Avenue are between 25m and 30m at first floor level and it is not considered that this would result in harm to the amenity of properties or material overlooking. It is accepted that there would be a degree of overlooking resulting from the proposed new houses in part as a result of the

unusual relationship with the gardens of properties in Norwood Avenue. However, staff are of the view that the main overlooking arising from bedrooms at first floor would be limited as these rooms are generally used in the evenings when curtains would be drawn. In any event, the situation would be no worse than occurs from the dwellings backing onto the site from Norwood Avenue some of these properties have been significantly extended at second floor level by way of dormer windows.

5.5.3 To conclude, no objections are raised to the proposed two-storey hipped roofed dwellings. The proposed roof form is not considered to be harmful to the residential /visual amenities of any of the neighbouring properties or materially harm the street scene.

5.5.4 The design and style of the proposed dwellings are in character with the rest of the area.

5.5.5 The amenity space of the dwellings is considered to meet the provisions of the SPD on Residential Design. However, owing to the unusual shape of the plots it is considered prudent to remove permitted development rights in order to control the amount of development on the site.

## 5.6 *Highway/Parking/Servicing*

5.6.1 The development plan seeks to ensure all new developments make adequate provision for car parking in accordance with the DC2 of the LDF. The proposed dwellings are in a location where provision should be made for two car parking spaces within the curtilage of the dwellings.

5.6.2 There would be at two spaces available on site for each of the new properties within curtilage.

5.6.3 This proposal would not have any detrimental highway and parking implications providing suitable cycle parking is provided. A suitable condition will be attached to any grant of planning permission.

5.6.4 There are no highways objections to the proposed development.

## 6. *Section 106 agreement*

6.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £12,000 (2 additional houses).

6.2 The applicant has been advised of the need to submit details to be incorporated into the Section 106 Agreement and is currently (with their agent) organising this to be submitted.

## 7. *Mayoral CIL*

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 192m<sup>2</sup> which equates to a Mayoral CIL payment of £3,840.

## 8. *Other Issues*

- 8.1 The Secured by Design Officer asks that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage, boundary treatment and landscaping.

## 9. **Conclusions**

- 9.1 The proposal is for the demolition of a single dwelling and its replacement with 3 houses. The proposed development is considered to be acceptable, would not appear cramped or out of character on this infill plot, and would not have an overbearing impact on the street scene or adversely impact on residential amenity. The design and style of the proposed dwellings are in character with the rest of the street-scene. Staff consider that the proposal is acceptable and in accordance with policies contained in the LDF Core Strategy and Development Control Policies DPD.

## **IMPLICATIONS AND RISKS**

### **Financial Implications and risks:**

None

### **Legal Implications and risks:**

A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

### **Human Resource Implications:**

None

### **Equalities and Social Inclusion Implications:**

The Council's planning policies are implemented with regard to Equalities and Diversity.

## **BACKGROUND PAPERS**

1. Application forms and plans received 13 November 2013 and 14 January 2014.