



REGULATORY SERVICES COMMITTEE

24 April 2014

REPORT

Subject Heading:

P0069.14 - 44 Chestnut Avenue,
Hornchurch

Proposed 2 bedroom house on land adjacent to 44 Chestnut Avenue and demolition of existing conservatory and erection of a single storey rear extension to 44 Chestnut Avenue. (Received 31 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 proposed 2 bedroom house on land adjacent to 44 Chestnut Avenue and demolition of an existing conservatory and erection of a single storey rear extension to 44 Chestnut Avenue.

The residential development on the site is considered to be acceptable in principle. As a matter of judgement, Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 .

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

- A financial contribution of £6,000 towards the infrastructure costs arising from the development would be required to fulfil the requirements of the Planning Obligations SPD.
- 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

It is recommended that planning permission be granted subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

3. Storage of refuse and recycling: 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 amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

4. Cycle Storage: Prior to completion of the works 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.

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

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

6. Noise levels: Prior to the approved units being brought into use, the building shall be adapted to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

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

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Boundary treatment: Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. This scheme shall make provision for a wall or fence alongside the flank of the new dwelling. The boundary treatment shall then be carried out in accordance with the approved scheme and retained permanently 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 and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. Removal of Permitted Development rights: Removal of permitted development rights: 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 Classes A and B for extensions and roof alterations of the proposed property 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.

10. Matching materials: All new external of the walls and roofing finishes shall be carried out in materials to match those of the existing building to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

INFORMATIVES

1. 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.
2. The applicant is advised 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 Street Care, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. In aiming to satisfy condition 8 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.
4. 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.

5. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £2160 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. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

- 1.1 The application site contains a 2 storey end-of-terrace dwellinghouse which benefits from an existing attached single storey side extension, rear conservatory, front porch, rear detached garage with double gate access from Chestnut Glen and off-street car parking space for 2 cars. The plot measures approximately 110 square metres in floor area.
- 1.2 The property lies on a corner plot to the south of Chestnut Avenue and to the west of Chestnut Glen. The area is characterised by similar 2 storey terraced residential properties whom have had extensions built.

2. Description of Proposal

- 2.1 The application seeks permission for a proposed 2 bedroom house adjoining the side of the host property No.44 Chestnut Avenue, and a single storey rear extension to the rear of the host property following the demolition of existing conservatory
- 2.2 The proposed house would be 9.7 metres in depth, 5.3 metres in width and 6 metres to the ridge to match the height of the existing dwelling. The design of the roof would be hipped to the side to match. It would contain a lounge, kitchen and dining room on the ground floor and 2 bedrooms and a bathroom on the first floor. The house would have a slight extension to the front of 0.9 metres depth to adjoin the porch of the existing house.
- 2.3 The proposed single storey rear extension to the donor property would be 3.3 metres in depth as well, with hipped roof 3.6 metres adjoining the rear of

the house sloping down to 2.8 metres height to the eaves. This would contain an enlarged kitchen/dining room area.

- 2.4 The materials for both of these buildings would be in white render and roof tiles to similarly match those of the existing house. It is also proposed to dedicate off-street parking, cycle storage/bin storage for the new house.

3. Relevant History

- 3.1 No relevant planning history for this site.

4. Consultations/Representations

- 4.1 21 neighbouring properties were consulted, no representations received to date.
- 4.2 Highways - No objections subject to visibility splay condition
- 4.3 London Fire Brigade Water Team - No objections
- 4.4 London Fire and Emergency Planning - No objections
- 4.5 Environmental Health - No objections subject to appropriate conditions

5 Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and density), DC3 (Housing Design and layout), DC33 (Car parking), DC61 (Urban Design), of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and the Residential Extensions and Alterations Supplementary Planning Document. In addition, Policies 7.4 (Local character) of the London Plan and Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 The issues in respect of this application are the principle of development, impact on the streetscene and design, amenity issues and parking and highways implications.

7. Principle of Development

- 7.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial

areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria.

8. Density/Layout

- 8.1 It is proposed to erect a 2 storey house. Policy 3.5 of the London Plan states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set the standard for a 2 bedroom (4 persons) house at 83 square metres. The proposed house is approximately 90 square metres floor area, and therefore, is in accordance with the Mayor's standards.
- 8.2 The site is identified as having a relatively low level of Public Transport Accessibility (PTAL) of 1-2, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-50 dwellings is anticipated.
- 8.3 The application site comprises an area of 0.044 hectares and the proposal and host dwelling on this site would produce a density of 45 dwellings per hectare which would accord with this guidance.
- 8.4 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 8.5 The proposal would provide approximately 61 square metres of amenity space for the new dwelling and 198 square metres for the donor property. Staff are of the opinion that the amenity space would be private, screened from general public view and access, and in a conveniently usable form. As a result, it is considered that the proposed amenity area for the new dwelling complies with the requirements of the Design for Living SPD and is acceptable.
- 8.6 Each habitable room within the dwelling would be of a suitable size and would be served with a clear opening for suitable light and outlook. With the above taken into consideration, the living accommodation of the dwellinghouse is considered to be adequate and usable.

9. Design and Appearance

- 9.1 Policy DC61 states that development should respond to local building forms and patterns of development and respect the scale, massing and height of surrounding physical context.

- 9.2 In regards to the single storey rear extension, the materials and pitch roof design matches the one of the house. The height is 3.6 and 3.3 metres in depth. The depth be the same as the existing conservatory and would be similar to the neighbouring properties rear extensions, therefore such design is not out-of-character and considered acceptable.
- 9.3 The Council's Residential Extensions and Alterations SPD, the document against which all applications are assessed, advises that side extensions to corner properties should maintain a separation of 1m from the back edge of the footway and should not project forward of the building line of properties along the adjoining street in order to maintain the building line. Where a side extension is to be combined with a two storey rear extension a particularly sensitive approach should be adopted in view of the generally greater impact on the street scene.
- 9.4 On this specific junction, the property on the other side of the road, no. 46 Chestnut Avenue, already has a two storey side extension with a gap of a metre to the boundary. The road itself, Chestnut Glen has a large verge and footpath either side of the road which adds to the impression of spaciousness.
- 9.5 In this case, the gap to the boundary would not meet the 1m standard. Instead, a gap of 0.15m at the front increasing to 0.38m at the rear would result. This gap would allow for the flank walls of these properties to be separated by approximately 11.3 metres.
- 9.6 Very similar circumstances were taken into account when considering an application at land to 76 Chestnut Avenue nearby, which had two planning applications granted; one for a dwelling with a gap of 0.9m (which was implemented) and a second which was set closer to the boundary with a taper of approximately 0.25m at the front reducing to 0.15m at the rear (closer to the boundary than this current proposal). The latter was considered acceptable on the basis of the remaining separation gap (13m) between the flanks of the junction properties together with the presence of a large grass verge and footpath either side of the road, which collectively maintained a sense of openness on the junction. It is considered that the same circumstances pertain here and the proposal would not result in an undue sense of enclosure. The proposed dwelling is designed in accordance with the surrounding properties and would not appear unduly dominant or visually obstructive on the end of the terrace.
- 9.7 It is also noted that there are examples of two storey side extensions nearby which extend up to the boundaries of properties, albeit that these are not in junction locations.
- 9.8 In granting planning permission, it is also recommended that a boundary wall or fence is erected alongside the flank of the dwelling to help soften the appearance of the new build from Chesnut Glen.

9.9 Taking into consideration the circumstances outlined above together with recent decisions taken by the Regulatory Services Committee in respect of two storey extensions on road junctions, it is considered as a matter of judgement that this application can be supported. Members are invited to apply their judgement to this particular aspect of the scheme.

10. Impact on Amenity

10.1 Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.

10.2 It is considered that the closest neighbouring property and the one that would be affected by the proposed dwellinghouse would be the donor property itself, No.44. Due to the proposed single storey to the host property, the proposed property would be the same depth as the donor at ground floor. However in regards to the first floor extent of the dwellinghouse, the depth would go beyond the rear wall by 3.3 metres, which would be within a 45 degree angle of the closest neighbouring window. However, in this case the closest first floor window of the donor property serves a bathroom. This is considered to not be a habitable room and as such, any impact to light or outlook would not be material to warrant a refusal. In regards to the other first floor window which serves a bedroom, the extent of the new house would stay clear of the 45 degree angle from the mid-point of this window to avoid adverse amenity impacts. The extension does not propose any side windows and therefore would not create overlooking nor loss of privacy issues.

10.3 In regards to the single storey rear extension, the closest neighbour that may be affected would be the adjoining property No.42 Chestnut Avenue. The extension would be 3.3 metres in depth, this would replace the existing conservatory of the same depth, although slightly higher. The neighbour has an existing extension of approximately 3 metres depth. It is considered that the proposal would not create amenity impacts to this neighbour.

10.4 In regards to the amenity of the future occupiers of the proposed house, it is considered that each habitable room is well served by an opening to allow sufficient light and outlook. Furthermore, a sound insulation condition would be placed on the permission to ensure that the new occupiers and the occupiers of the donor property are sufficiently protected.

10.5 With the above taken into consideration, staff are therefore satisfied that the proposed development is unlikely to result in any material harm. The development is considered to be acceptable and accords with the principles of Policy DC61.

11. Parking and highway issues

11.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Hornchurch has a PTAL rating of 3-4, and Policy

DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 1.5 to 1 spaces per unit. The proposal provides four car parking spaces, two for the donor and two for the proposed dwelling. The parking provision is in line with policy guidelines and considered acceptable.

- 11.2 There already exists hardstanding to the front of the property for 2 off-street car parking spaces, one would be allocated to the new house in front of the dwelling and one to be retained for the host property. The host property also has off-street parking space for 2 to the rear of their garden area.
- 11.3 Highways have no objection to the car parking arrangements and no objections to highway issues subject to a condition requiring a clear visibility splay.
- 11.4 It is proposed to have the refuge to the front of the new dwelling and cycle storage to its new rear garden area.
- 11.5 With the above taken into consideration with the appropriate conditions, it is considered that the proposal is acceptable and accords with the principles of Policy DC 33.

12. Mayoral CIL and Section 106 implications

- 12.1 The total additional internal floor space would be 108 square metres floor area, this would equal a Mayoral CIL contribution of £2160.
- 12.2 A Section 106 Legal Agreement is required to secure a financial contribution of £6,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

13. Conclusion

- 13.1 Staff consider that the principle of residential development in this location is suitable, the site and design is considered to be appropriate for a new dwelling.
- 13.2 For the reasons outlined above within the report, as a matter of judgement, the proposal is considered to be acceptable and approval is recommended as it would not be contrary to the provisions of the Havering Supplementary Planning Documents and Policy DC61 and DC72 of the LDF Core Strategy and Development Control Policies DPD.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None directly arising from this application

Legal Implications and risks:

Legal resources will be required for the completion of a legal agreement.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None directly arising from this application.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 31st January 2014.