



REGULATORY SERVICES COMMITTEE

REPORT

8 May 2014

Subject Heading:

**P0080.14: Highview, 2 Warley Road,
Upminster**

**Conversion of existing integral garage,
construction of a new detached garage
and provision of a front dormer
window. Demolition of existing
swimming pool. (Application received
15 January 2014)**

Report Author and contact details:

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Policy context:

**Local Development Framework
London Plan, Planning Policy
Statements/Guidance Notes**

Financial summary:

None

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input checked="" type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" 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 matter is brought before committee because the application has been called in by Councillor Light. The call in is on the grounds that the site is located in the Green Belt and the issues surrounding this need to be discussed further by the Committee.

The proposal is for the conversion of existing integral garage into a habitable room, construction of a new detached garage and the provision of a front dormer window with a hipped roof design. In order to reduce the volume of cumulative additions to the property the proposal includes the demolition of the existing single storey swimming pool building in the rear garden.

The application was deferred at the Committee meeting on 3rd April 2014 in order for staff to explore scope for a legal agreement. The purpose of the legal agreement would be to require demolition of the swimming pool building and any subsequent buildings built as permitted development prior to implementation of proposal and the prevention of any further permitted development post implementation.

Due to its scale, height and massing Staff consider that the proposed garage would fail to appear visually subservient creating an intrusive and prominent structure resulting in a material harm to the open character of the Green Belt.

The proposal is therefore considered to be contrary to policy and it is recommended that planning permission is refused.

RECOMMENDATIONS

It is recommended that planning permission be refused for the following reasons:

1) Metropolitan Green Belt – No Special Circumstances

The site is within the area identified in the Havering Unitary Development Plan as Metropolitan Green Belt. The Unitary Development Plan and Government Guidance as set out in the NPPF is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the LDF

Core Strategy and Development Control Policies DPD and the provisions of the NPPF.

2. Metropolitan Green Belt – Material Harm to the Character and Openness

The proposed detached garage, by reason of its location, bulk, mass and height, would form a disproportionate addition and appear as an intrusive and prominent structure resulting in a material harm to the character and openness of the Metropolitan Green Belt, contrary to the provisions of the NPPF and Policy DC45 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Background

- 1.1 The application was deferred at the Committee meeting on 3rd April 2014 in order for staff to explore scope for a legal agreement. The purpose of the legal agreement would be to require demolition of the swimming pool building and any subsequent buildings built as permitted development prior to implementation of proposal and the prevention of any further permitted development post implementation.
- 1.2 Staff can report that the applicant / owner would be willing to enter into a s106 legal agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:
 - Prior to the commencement of development pursuant to planning permission (reference P0080.14) (“the Planning Permission”)
 - (a) the swimming pool and swimming pool building shall be removed from the land together with all machinery, apparatus, equipment and installations connected with the swimming pool use; and
 - (b) the site of the former swimming pool shall be back filled with appropriate topsoil, soft landscaped and returned to garden use

- within the first planting season following removal of the swimming pool; and
- (c) all development carried out under 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 order revoking and re-enacting that order with or without modification) (“the GPD Order 1995”) following the resolution to grant Planning Permission shall be removed from the land 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 to the satisfaction of the Local Planning Authority.

Following commencement of development pursuant to the Planning Permission all rights under the GPD Order 1995 shall be removed from the land 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.

To pay the Council’s reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.

Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

- 1.3 Staff consider that a legal agreement under these terms would ensure that the swimming pool building is demolished and any other structures built under permitted development following a resolution to grant planning permission would also be removed prior to the garage being built.
- 1.4 The report as presented to committee on 3rd April is reproduced below.

2. Site Description

- 2.1 The application relates to the property at Highview, 2 Warley Road, Upminster. This is a two-storey detached house benefiting from several side and rear extensions and is located with a spacious parking area and garden to the front and garden to the rear. There is a large detached single storey swimming pool building located in the south east area of the rear garden.
- 2.2 The site lies within the Green Belt and forms part of a spacious linear development of housing along the road frontage with Warley Road.

3. Description of Proposal

- 3.1 The proposal comprises the conversion of existing integral garage into a habitable room, construction of a new detached garage and the provision of a front dormer window with a hipped roof design. In order to reduce the volume of cumulative additions to the property the proposal includes the demolition of the existing single storey swimming pool building in the rear garden.
- 3.2 The proposed detached garage will consist of a pitched roof design with a ridge height of 4.6m. The front elevation will incorporate 2no. separate roller shutter garage door openings, with a window and door in the rear elevation.
- 3.3 The garage will occupy a footprint of some 28.34 sq.m. Combined with the proposed dormer loft conversion the proposed additions will have a volume of approximately 110 cubic metres.

4. Relevant History

- 4.1 P0138.01 - Single storey side extension and use of existing garage as habitable room – Refused
- 4.2 P0523.02 - Single storey side extension and use of existing garage as habitable room - Refused

5. Consultations/Representations

- 5.1 Neighbour notification letters were sent to 7 properties. 1 representation was received as a result of the consultation raising the following issues:
- Demolition of swimming pool building and construction of new garage will cause mess, dirt and noise.
 - New garage will result in the loss of light.
 - The site is in the Green Belt. .

6. Staff Comments

- 6.1 The main considerations for this application relate to the implications for the Green Belt and the neighbouring residential amenity. Therefore the material considerations include the principle of new development within the Green Belt, whether the proposal is proportionate and appropriate to not cause any undue harm to the character and openness of the Green Belt, and the impact on the amenity of the neighbouring house at Balblair.
- 6.2 Policies CP14 (Green Belt) CP17 (Design), DC33 (Car Parking), DC45 (Appropriate Development in the Green Belt), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

6.3 Other relevant documents include the Residential Design SPD, and the Residential Extensions and Alterations SPD.

6.4 Policies 7.16 (Green Belt) and 7.4 (Local Character) of the London Plan (2011) and the National Planning Policy Framework (NPPF) are also relevant.

7. Green Belt Implications

7.1 The NPPF attaches great weight to Green Belts in preventing urban sprawl by keeping land permanently open. In addition the NPPF sets out five purposes of the Green Belt including to check the unrestricted sprawl of large built up areas and to safeguard the countryside from encroachment. As with previous Green Belt policy, the NPPF advises that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.2 The NPPF sets out forms of development that are deemed to be appropriate within the Green Belt and states that construction of new buildings should be regarded as inappropriate development. A given exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

7.3 Policy DC45 accepts the principle of extensions and alterations to dwellings within the Green Belt, provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling.

7.4 It is understood from the planning history at the site and from the submitted supporting statement that the original house at Highview was constructed in the late 1970's as a replacement for a smaller dwelling. Between 2001-2003 there were a series of refusal decisions issued against the construction of a detached garage including an Appeal in March 2003 which was dismissed. The Inspector noted that the original property had a volume of 645 cubic metres and that the cumulative total of subsequent additions including the swimming pool building and rear conservatory amounted to 339 cubic metres - representing 53% increase of the original dwelling.

7.5 Whilst not an extension to the dwelling, the proposed detached garage would add additional development within the curtilage of the property. In terms of cubic capacity the garage would create a further 98 cb.m of volume to the cumulative additions. Combined with the proposed dormer extension the cubic capacity of the original dwelling would be increased by 79%. There are no special circumstances to justify the increased development at the site.

7.6 As part of the application the detached swimming pool building in the rear garden will be demolished with the ground level filled and returned to soft landscaping as part of the garden. The swimming pool enclosure has a volume of 296 cubic metres and the removal of this structure will see the

cumulative additions to the property decrease to 33% of the cubic capacity of the original dwelling. As such the proposal would not therefore exceed the 50% standard set out in Policy DC45.

- 7.7 However, as previously stated the main considerations for this application relate to the principle of new development within the Green Belt and, crucially, whether the proposal is proportionate and appropriate to not cause any undue harm to the character and openness of the Green Belt. The application must satisfy all aspects of this criteria to be considered acceptable.
- 7.8 The proposed detached garage would be located in the area adjacent to the house, 2.6m from the side elevation and set in approximately 2.1m from the boundary with Balblair. The proposal will have a footprint of 28.34 square metres and a roof ridge height of 4.6m, creating a tall and bulky detached structure.
- 7.9 The application site is characterised by its spacious nature with clear separation between the neighbouring dwellings, which serves to preserve the openness of the surrounding area. However the in-filling of the side plot with the detached garage will result in the loss of the spacious character and separation between the dwellings. In addition this will increase the overall prominence and the sense of intrusion of the built development into the side garden, particularly effecting views from Warley Road.
- 7.10 It is therefore considered that the proposed garage, by reason of its location, height and massing would appear as an intrusive structure resulting in a material harm to the open character of the surrounding area, contrary to the purposes of the Green Belt.
- 7.11 It is acknowledged that the applicant intends to demolish the swimming pool building in an attempt to reduce the cumulative volume of built development at the application site. However, this measure only serves to address a certain aspect of policy and does not counter or overcome the wider and greater issues relating to the material harm to the openness and character of the Green Belt. Therefore the demolition of the swimming pool is not considered to be justifiable in policy terms to recommend the application for approval.
- 7.12 The proposed dormer will form a relatively minor addition to the roof elevation incorporating a hipped pitched roof design. The dormer will be constructed on the lower roof level of the existing integral garage which includes a set back from the main house roof which will serve to reduce the overall appearance of the structure. In contrast to the garage the proposed dormer would appear as a proportionate, appropriate and visually subservient structure in relation to the main house and the surrounding street scene. Therefore it is not considered that the dormer would result in material harm to the openness and character of the Green Belt.

8. Impact on Amenity

- 8.1 Development Control Policy DC61 states, amongst other things, that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, to existing properties. The Residential Extensions and Alterations SPD carries forward this principle and sets out specific guidance in assessing side extensions stating they will not be permitted where they break a 45 degree line taken from the sill of the window of a primary original window serving a habitable room on the side wall of a neighbouring house.
- 8.2 The main consideration in terms of amenity relates to the impact on the neighbouring property, Balblair.
- 8.3 The proposed garage will be located approximately 2.1m from the boundary with Balblair, which includes flank windows facing onto the application site. The height of the garage will be contained within a 45 degree angle of these windows ensuring that the proposal does not result in undue loss of sunlight or daylight to the affected habitable room of Balblair.
- 8.4 It is considered that the proposed development will not result in an undue impact on the amenity of the neighbouring property. The proposal is therefore in accordance with Policy DC61 and the Residential Extensions and Alterations SPD.

9. Parking and Highway Issues

- 9.1 The proposed development will result in the loss of the single integral garage, but this provision would be replaced by the proposed garage with space for 2no. vehicles. The proposal will not alter the existing access arrangements and sufficient off street parking can be maintained within the site.

10. Conclusion

- 10.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would not be acceptable.
- 10.2 Staff are of the view that due to the scale, height and massing the proposed garage would fail to appear visually subservient creating an intrusive and prominent structure resulting in a material harm to the open character of the Green Belt.
- 10.3 The proposal is therefore considered to be contrary to policy and it is recommended that planning permission is refused.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required in connection with the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 9 February 2014.