



# REGULATORY SERVICES COMMITTEE

17 July 2014

# REPORT

**Subject Heading:**

P0677.14 – 165 St Andrews Avenue, Elm Park

Proposed conversion of an existing 2 storey extension at No.165 St Andrews Avenue into a 2 storey dwellinghouse. (Received 14 May 2014)

**Report Author and contact details:**

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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 application was called in by Councillor Barry Mugglestone because of the planning history of the application site.

This report concerns an application for the proposed conversion of an existing 2 storey extension of No.165 St Andrews Avenue into a 2 storey dwellinghouse.

The residential development on the site is considered to be acceptable in principle. 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 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 to be paid prior to commencement of the development towards infrastructure costs 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:

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 first occupation of the proposed dwelling, the building shall be adapted to provide sound insulation of 43 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 turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

**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 details 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. Highways Agreements: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

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

10. Car parking: Before the dwellinghouse hereby permitted is first occupied, provision shall be made within the site for 2 car parking spaces serving the house hereby approved and 2 car parking spaces for host dwelling No.165 St Andrews Avenue to the satisfaction of the Local Planning Authority and

thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate car parking provision is made off street in the interests of highway safety.

11. 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, B and E for extensions and outbuildings , 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.

## **INFORMATIVES**

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 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. 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.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site contains a 2 storey semi-detached dwellinghouse which benefits from existing extensions, rear outbuilding and hardstanding for 3 off-street car parking spaces to the front. The proposed plot measures approximately 180 square metres in floor area.
- 1.2 The property lies on a prominent corner plot on a bend in St Andrews Avenue. The area is predominantly residential, characterised by similar 2 storey terraced and semi-detached residential properties.

### 2. Description of Proposal

- 2.1 The application seeks permission for the conversion of an existing 2 storey extension at No.165 St Andrews Avenue into a 2 storey dwellinghouse.
- 2.2 The only external changes to the existing side extension would be a new entrance door to the proposed new dwelling on the ground floor flank wall and an obscure window on the first floor of the side elevation.
- 2.3 There would also be a sub-division of the back garden to ensure both dwellinghouses (the host and proposed) would have their own rear private garden space. The existing outbuilding to the rear of the host dwelling would be demolished and removed. The proposals indicate that a parking space would be provided in the rear garden of the proposed dwelling.

### 3. Relevant History

- 3.1 P0677.14 Single storey front and rear extension & 2 storey side/rear extension - Approve with conditions 25/5/07
- 3.2 P0042.14 Single storey front, side & rear and 2 storey side/rear extensions – Refused 2/3/07
- 3.3 P2045.04 One detached dwelling - Refused 6/1/05

### 4. Consultations/Representations

- 4.1 23 neighbouring properties were consulted, 1 letter of objection received on the following grounds;
  - Notes that the previous permission had a condition that restricting the use of the extension as a separate unit of residential accommodation.
  - The separate dwelling would further unbalance the two properties therefore devaluating their property.
  - The area has limited on-street car parking

- 4.2 Highways - No objections subject to vehicle access 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 noise conditions.
- 4.6 Thames water – No objections, informatives are advised
- 4.7 Essex & Suffolk water – No objections, informatives are advised

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and density), DC3 (Housing Design and layout), DC4 (Conversions of residential and subdivision of residential uses), 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.
- 5.2 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.
- 6.2 The proposal in question concerns the conversion of the existing 2 storey side extension which was given permission under reference P0612.07. The application, as submitted, was for a granny annexe. It contained a lounge, kitchen and bathroom on the ground floor with bedrooms on the first floor. The annexe was proposed to be used in connection with the main house and was determined on the basis the extension would remain as an integral part of the main dwelling. In order that the impact of any sub-division could be addressed in the future, the development was approved subject to conditions that included:

*The extension hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 165 St Andrews Avenue, Elm Park and shall not be used as a separate unit of residential accommodation at any time.*

*Reason:-*

*The site is within an area where the Local Planning Authority consider that the sub-division of existing properties should not be permitted in the interests of amenity, and that the development accords with Unitary Development Plan policy ENV1.*

- 6.3 It does not mean that use as a separate dwelling should be assumed to be unacceptable, only that the condition is a means of imposing some control over future use and allowing the impact of such a conversion to be considered.
- 6.4 The proposal now before Members is distinct from the previously approved application as it seeks the conversion of the unit to a separate dwelling. The planning issues are set out below.

## **7. Principle of Development**

- 7.1 The site currently has a residential land use. In accordance with the objectives of Policy CP1, there is no objection in principle to residential development on this site, providing that the proposals are acceptable in all other material respects.

## **8. Density/Layout**

- 8.1 The site is identified as having a level of Public Transport Accessibility (PTAL) of 3-4, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-65 dwellings is anticipated.
- 8.2 The application site comprises an area of 0.35 hectares and the proposal and host dwelling on this site would produce a density of 66 dwellings per hectare which would accord with this guidance.
- 8.3 It is proposed to create a new dwellinghouse. 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 86 square metres floor area, and therefore, is in accordance with the Mayor's standards.
- 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 30 square metres of amenity space for the new dwelling and 43 square metres for the donor property following the removal of the existing rear outbuilding. 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 on balance that the proposed amenity area for the new dwelling complies with the requirements of the Design for Living SPD and is acceptable. The amenity area is however of limited size for a family dwelling and Members may judge this to be evidence of an unduly cramped form of development that is uncharacteristic of its surroundings. Although staff judge the amenity provision to be acceptable, Members may reach a different conclusion in this respect.
- 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 As mentioned above the only external alterations on the proposed dwelling would be the ground floor front door for the entrance of the new dwellinghouse and the first floor window to the side elevation. It is considered that the size, layout and proportion of these changes are considered minimal and appropriate to the existing building.
- 9.3 The proposed new front door is considered safe and secure for the future occupants, such door to the side elevation would not look out-of-character on a corner plot property. It would also be screened by existing boundary fences.
- 9.4 There would be a fence boundary erected to sub-divide the garden between the host and proposed dwelling, conditions would be added to finalise detail of the design of any proposed boundaries and landscaping.
- 9.5 Staff considers that, as the extension already exists, the overall impact on the character and appearance of the surrounding area is limited. However, Members may judge that the resultant dwelling creates a cramped, narrow plot that is not characteristic of the surrounding area and thereby detrimental to the streetscene.

9.6 In summary, the conversion from ancillary extension into a separate dwelling, is judged to be compatible with the overall character of development in the locality. With the above taken into consideration, staff are satisfied that the proposed development is unlikely to result in any visual harm. The development is considered to be acceptable and accords with the principles of Policy DC61.

## **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 According to Policy DC4, planning permission will only be granted for proposals involving subdivision of existing residential dwellings provided:

- 1) a suitable degree of privacy and private sitting out / amenity space is provided and
- 2) the living rooms of new units do not abut the bedrooms of adjoining dwellings.

10.3 The relationship with the donor property is not materially changed. No.167 St Andrews Avenue, which is the other semi-detached property within this pair, would not suffer any material increase of loss of light, outlook or privacy, as there are no physical changes affecting their side of the property.

10.4 The neighbouring property to the rear of the garden space is considered to not be affected, although there would be increased activity with the removal of the outbuilding to convert to usable amenity and parking space that would be more frequently used. Such change would be not be enough to warrant a refusal as the existing arrangement allows for car parking and it is not out-of-character in the area to have rear amenity space backing on to the rear or sides of other neighbouring properties.

10.5 As recommended by the Environmental protection officer, a condition would be added that prior to occupation of the converted unit, the building shall be adapted to provide sound insulation against airborne noise to the satisfaction of the Local Planning Authority. This would prevent noise nuisance to adjoining properties between the new and the host dwellinghouses.

10.6 As mentioned above, the rear garden spaces would be relatively private and it would be conditioned to secure details of the fence which would sub-divide the rear areas. Such rear amenity proposed would be in character with the surrounding area. A condition will be imposed to remove permitted development rights in view of the limited garden areas.

10.7 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 2 to 1.5 spaces per unit.
- 11.2 There already exists hardstanding to the front of the property for 3 off-street car parking spaces and one in the rear garden. It is proposed that two parking spaces would be retained for the host property in the front garden and there would be one frontage space and one rear garden space for the proposed dwelling. The parking provision is in line with policy guidelines and considered acceptable, and a condition would be placed on a grant of permission to ensure that these 2 car parking spaces per dwelling are retained permanently.
- 11.3 Highways have no objection to the car parking arrangements and no objections to highway issues subject to a condition relating to vehicle access.
- 11.4 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. Section 106 implications**

- 12.1 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 proposal is judged acceptable in all material respects. However, Members may reach a different conclusion in respect of the resultant plot size and compatibility with local character.
- 13.2 For the reasons outlined above within the report, 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:**

Financial contributions are required through legal agreement.

### **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:**

The Council's planning policies are implemented with regard to equalities and social inclusion issues..

## **BACKGROUND PAPERS**

Application form, drawings and supporting statement received on 14th May 2014.