

**REGULATORY SERVICES COMMITTEE**

**9th June 2011**

**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P0405.11</b>	
<b>WARD :</b>	Havering Park	<b>Date Received:</b> 14th March 2011
<b>ADDRESS:</b>	Doric 16 North Road Havering-atte-Bower, Romford	
<b>PROPOSAL:</b>	Raising of the roof, single/ two storey rear extension, front , side and rear dormers, single storey front extension	
<b>DRAWING NO(S):</b>	2622.01 2622.02 2622.03A 2622.04A	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **RECOMMENDATION**

That planning permission should be granted.

### **SITE DESCRIPTION**

The site comprises of a single storey detached bungalow, which is located on the north western side of North Road. North Road slopes downhill from south to north. The land is situated within the Metropolitan Green Belt and the Havering Ridge Area of Special Character.

### **DESCRIPTION OF PROPOSAL**

The proposal is for a single/two storey rear extension, increase in roof height, front, side and rear dormer windows and a roof light.

The proposed two storey rear element would be to the side of an existing rear projection and would not extend beyond the existing rear building line. This addition would measure 4.45m in depth, 3.7m in width and 6.85m in height to the top of the hipped roof. It should be noted that the existing hipped roof would be extended over this addition.

An additional rear extension is also proposed to the rear of the existing rear projection measuring 4m in depth, 5.1m in width and 3.3m in height to the top of the flat roof. The additional space would be utilised for an extension to the kitchen.

The proposal features one front, side and rear dormer window. All the dormer windows measure 2.2 metres in width, 1.9 metres in depth and 2.6 metres in height to the top of the hipped roofs. The space created would be utilised for two bedrooms and a bathroom.

The roof height of the dwelling would be increased from 5.8 metres to 6.8 metres.

The proposal also features a roof light on the north western flank of the dwelling.

### **RELEVANT HISTORY**

P0110.11 - Raising of the roof, the addition of two flank dormers, and single/two storey extensions to the rear - Withdrawn.

## **CONSULTATIONS/REPRESENTATIONS**

The application has been advertised in 'Living' magazine and by way of a site notice as a departure from Green Belt policies. A total of 4 neighbouring occupiers were notified of the proposal. No letters of representation have been received.

## **RELEVANT POLICIES**

Residential Extensions and Alterations Supplementary Planning Document CP14, CP17, DC33, DC45, DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD. PPG2 (Green Belt) is also relevant.

## **STAFF COMMENTS**

The issues arising from this application are the impact of the proposal on the Metropolitan Green Belt, the impact on the Havering Ridge Area of Special Character, impact on the streetscene, amenity implications and any highway or parking issues.

## **GREEN BELT IMPLICATIONS**

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas. Paragraph 3.4 of PPG2 states that "limited extension, alteration or replacement of existing dwellings" is not inappropriate providing the advice in Paragraph 3.6 is heeded. Paragraph 3.6 states that extensions should "not result in disproportionate additions over and above the size of the original building."

The original dwelling was built in the 1930's and had a volume of some 380 cubic metres. The property has been extended over the years and the current proposal together with previous extensions would result in a overall volume of 620 cubic metres. The extensions therefore result in a volume of 240 cubic metres or 63% greater than the volume of the original dwelling. From this it can be seen that the proposed volume is greater than the 50% normally regarded as acceptable by Policy DC45. Staff do however recognise that the property was fairly small when first built which is taken into account in policy. Also the proposed footprint is not significantly greater than that of the existing structure. However, as the combined volume of all the extensions fails to comply with policy, this would be a matter of judgement for members.

In Staff's view, it is considered that the proposal would not have a detrimental impact on the openness and character of the Green Belt, as the majority of the extensions would be contained within the roof space of the dwelling and the proposed footprint would not be that much different than the existing structure.

## **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The proposed rear additions are not considered to result in an unacceptable impact on the rear garden environment as they would relate well to the existing dwelling and would be similar to that of neighbouring extensions.

The Residential Extensions and Alterations SPD states that dormers should be contained well within the body of the roof, by being set well back from the eaves, and by setting the sides well in from any gables or party walls. Dormers must never extend above the ridge line of the roof and should be located well below it. All windows at roof level, particularly dormers, should relate to the windows of the original house in proportion, design and position. Dormers with pitched roofs set at right angles to the main roof are preferred. If the Council considers that a dormer facing the highway will not cause harm to the original house or street scene, its width should be no greater than 1.2 metres. The width should also not exceed the height.

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All the dormers have pitched roofs, are set below the roof ridge and the width would not exceed the height. The width of the front dormer is contrary to guidance, however it is deemed to be acceptable as it would appear in proportion with the existing dwelling. During a site visit, it was noted that neighbouring properties in North Street have front dormers that are of a similar or larger size to the proposal. It is considered that the front dormer window would therefore not appear out of character in the streetscene.

The Residential Extensions and Alterations SPD states that dormer windows in a hipped roof end will not normally be acceptable due to overlooking and design considerations, particularly if it is also proposed to construct dormers on front or rear elevations. When considering the merits of this application, it is noted that there are similar side dormer windows to dwellings in the immediate vicinity in North Road. Also, Staff are of the view that the side dormer would be sufficiently set back within the side roof space not to have a detrimental impact on the streetscene or the special character of Havering Ridge.

It is noted that the streetscene has a varied character with single and two storey detached properties of different styles. As such, it is considered that increasing the height of the dwelling would not adversely affect the streetscene, particularly as North Road slopes downhill from south to north.

The proposal would also not have an unacceptable impact on the Havering Ridge Area of Special Character as there are similar roof extensions to properties within the immediate vicinity. Any potential impact is considered acceptable.

It should also be noted that similar extensions were recently approved by the Regulatory Services Committee at the immediate neighbouring property, No. 15 North Road.

### **IMPACT ON AMENITY**

It is considered that the hipped roofed rear addition (two storey) would not result in an unacceptable impact to neighbouring occupiers as the proposal would be in line with the rear building line of the property at No. 15 North Road and only slightly in excess of the rear building line at No.18. Any potential impact is considered acceptable. Mention should also be made of recently approved extensions at No. 15 North Road which are similar to that proposed to the subject property. These extensions further mitigate any potential neighbouring impact to No. 15.

The single storey rear component would only extend 4m in depth and 3.3m in height and is well set off the flank boundaries. No harmful impact would result.

Only one flank window and a flank rooflight are proposed in the roof space. A condition will be placed to obscure glaze and fix shut the side dormer window serving the the landing. A condition would also be placed to obscure glaze the flank rooflight.

It is considered that the flank windows proposed to the flat roofed rear addition would not result in any overlooking or loss of privacy, as there are sufficient boundary careening and they are well set of the flank boundaries.

### **HIGHWAY/PARKING**

Sufficient space would remain on-site for vehicle parking, in line with policy guidelines. It is considered that the proposal would not create any highway or parking issues.

## **KEY ISSUES/CONCLUSIONS**

The proposal will have a volume that results in development to the property being greater than the 50% normally permitted by Policy DC45 and its acceptability is a matter of judgement. Based upon the size of the original property and on merit, Staff consider the proposal would not harm the openness of the Green Belt, as the majority of the extensions would be contained within the roof and the proposed footprint is not that much different from the existing footprint. It is considered that the proposal would not be harmful to the streetscene, the Havering Ridge Area of Special Character or the amenity of neighbouring properties. The proposal would not create any highway or parking issues. It is recommended that planning permission be granted.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to conditions

1. S SC4 (Time limit) 3yrs
2. S SC10 (Matching materials)
3. S SC32 (Accordance with plans)
4. SC34A (Obscure and fixed glazing)

The proposed window to the side dormer and rooflight serving a landing and bathroom respectively shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. SC46 (Standard flank window condition)

### **1 INFORMATIVE:**

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC45, DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: 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 £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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<b>APPLICATION NO:</b>	<b>P0498.11</b>	
<b>WARD :</b>	Harold Wood	<b>Date Received:</b> 29th March 2011
<b>ADDRESS:</b>	McDonald's Restaurant Bryant Avenue / A127 Harold Wood Romford	
<b>PROPOSAL:</b>	Variation of Condition 1 of Planning Application P1499.09 to enable extended drive through trading hours.	
<b>DRAWING NO(S):</b>		
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reasons: given at the end of the report.	

**CALL-IN**

The application has been called in by Councillor Barry Tebbutt for the following reasons:

- to encourage local businesses
- no enforcement notices have been received from either Environmental Health or Trading Standards.

**RECOMMENDATION**

That planning permission is refused for the reasons given in this report.

**SITE DESCRIPTION**

The application site is located on the north-eastern side of the Southend Arterial Road (A127), immediately west of its junction with Bryant Avenue. The site itself is triangular in shape, having a frontage width of about 75m to the A127 and a maximum depth of about 45m. The site is currently occupied by McDonald's Restaurant.

Adjoining the site to the north-west are offices and a yard and a mixture of commercial and industrial activities falling within the Bryant Avenue Commercial Area. To the north-east, there is a highway verge and hammerhead adjacent to Bryant Avenue and the rear garden of residential properties which front Bension Drive. To the south-west, and on the opposite side of the A127, are flats and terraced houses.

**DESCRIPTION OF PROPOSAL**

The Council is in receipt of an application seeking planning permission for extended opening hours. The proposal is to vary condition 1 of planning permission P1499.09 to enable drive through trading hours between 06:00 until 03:00 from Sundays to Thursdays and 24 hours on Fridays and Saturdays.

Planning permission P1499.09 allowed for opening hours between 06:00 and 01:00 on Sundays to Thursdays and between 06:00 and 04:00 on Fridays and Saturdays.

**RELEVANT HISTORY**

Extensive history, most relevant:

P0633.99 - Demolition of existing buildings and erection of a drive through restaurant with

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provision for 25 parking spaces - Approved.

P2102.04 - Change of hours of operation (Variation of condition to P0633.99) - Approved.

A0034.08 - 2 No. rotating illuminated double, triple sided menu units. 2 No rotating illuminated single, triple sided menu units. 1 No order unit - Approved.

P1650.07 - Variation of hours of operation to 06:00 - 01:00 (Sun-Thurs) and 06:00 - 02:00 (Fri-Sat) - Approved, for a temporary period to 26th November 2008.

P1732.08 - Variation of condition 1 of planning permission P1650.07 to enable trading between 06:00 - 01:00 hours Sunday to Thursday and 06:00 to 04:00 hours Friday and Saturday - Approved, for a temporary period to 14th January 2010.

P1499.09 - Permanent permission to operate in accordance with opening hours as granted temporarily under P1732.08 (between 06:00 - 01:00 hours Sunday to Thursday and 06:00 to 04:00 hours Friday and Saturday) - Approved.

### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notifications were sent to 78 neighbouring occupiers with 6 letters of representation raising objections in respect of the following:

- At the previous Committee meeting the applicant stated that no further opening hours would be required
- Noise as a result of the drive through operating hours, car doors slamming, loud music, people shouting, car horns
- Due to noise, light pollution and smells nearby residents can't open windows at night
- Deliveries during early morning hours (i.e. 05:30 to 06:00)
- Litter and general rubbish
- Anti-social behaviour problems

Confirmation has been received from Environmental Health that no formal complaints have been received over the past year regarding noise or disturbance as a result of the extended opening hours.

The Council's Crime Prevention Design Advisor was consulted who in addition, consulted the Havering Police Harold Wood Safer Neighbourhood Team (SNT) that covers the area. The following information was provided by the SNT:

- on average, 2 calls are received per month relating to disturbances late at night by young people in cars, either immediately outside McDonalds or in the surrounding residential streets. The activities in the surrounding street can often be linked directly to McDonalds by the litter left after they have gone.

- Of the six crimes reported at McDonalds over the last six months (1 November 2010 to 24 May 2011), four occurred between midnight and 2:30am.

The Crime Prevention Design Advisor objects to the proposed opening hours for the reasons summarised above and more detailed comments set out within a formal response.

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**RELEVANT POLICIES**

DC23, DC55 and DC61 of the LDF Development Control Policies Development Plan Document

**STAFF COMMENTS**

The main issue for Members to consider in relation to the proposal is the potential impact the change of hours will have on the amenity of the surrounding area.

**DESIGN/IMPACT ON STREET/GARDEN SCENE**

The proposal is for changes to the opening hours only and does not involve any changes to the external appearance of the building which would have an impact on the character and appearance of the street scene.

**IMPACT ON AMENITY**

The existing permission allows for opening hours between between 06:00 - 01:00 hours Sunday to Thursday and 06:00 to 04:00 hours Fridays and Saturdays. The opening hours were approved on 18th December 2009 and the premises has been operating in accordance with these opening hours over the past year.

An assessment therefore has to be made as to whether the additional opening hours will have a detrimental impact on the amenities of surrounding neighbouring occupiers and whether these opening hours can be accepted as a permanent arrangement.

Staff considered the current operating hours to be acceptable (Planning Ref: P1499.09). There is a separation distance of approximately 45 to 55 metres between the drive through area and the rear wall of properties along Bryant Avenue. In this instance however, Staff are of the opinion that the proposed opening hours are excessive as it would be for a 24hour service on Saturdays and Fridays and between 06:00 until 03:00 on Sundays to Thursdays. Notice is given to the fact that there is a level of background noise as a result of the adjacent A127 (Southend Arterial) and the through route to the 24-hour Tesco's. Notwithstanding, it would not be unreasonable to conclude that the amount of vehicle movements during the late evening and early morning hours would drop significantly compared to day-time and early evening traffic. Staff are therefore of the opinion that as noise levels as a result of traffic movement reduces significantly during the proposed extended opening hours, that background noise as a result of traffic in the vicinity would not be justification in itself to allow further noise and activity at the McDonalds drive through.

Objections raised in representations are in respect of noise and disturbance as a result of late night opening hours, anti-social behaviour and early morning deliveries taking place. Confirmation was received from Environmental Health that no formal complaints have been made in respect of noise and disturbance. Notwithstanding, Staff are of the opinion that the proposed opening hours are unreasonable due to the application site's proximity to residential properties. There is a large area comprising residential development on the opposite side of Bryant Avenue (north and east of the application site) and on the opposite side of the A127 (south of the application site). Members may agree that noise and sound levels as a result of customers arriving at the site by car, car doors slamming and early deliveries, would be more audible when background traffic noise levels are reduced during late night and early morning hours.

With regards to resident's concerns relating to anti-social behaviour, it is acknowledged that late night uses could potentially encourage such activities. The Crime Prevention Design Advisor (CPDA) raised objections in respect of the proposed opening hours. According to the CPDA,

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experience both locally and across the country shows that late night food take-away establishments can attract crime and disorder. They often have a "honey pot" effect and become a meeting place and focal point for those causing problems. In addition, as mentioned previously in this report, the SNT highlighted that there are often complaints regarding noise and disturbances late at night by young people and within the last 6 months, of the six crimes reported at McDonalds, 4 occurred between midnight and 2:30am. Although it is recognised that the opening times of the premises already extend beyond midnight, Staff are of the opinion that in light of the concerns raised by the CPDA, any later opening hours would exacerbate the problems experienced at the McDonald's and would cause further harm to nearby residents. Staff do not consider that this application can be supported in this instance.

For the reasons given above, Staff are of the opinion that the proposed opening hours is unreasonable given the site's proximity to residential development and anti-social behaviour complaints received by the SNT. It is therefore considered that this application for extended opening hours would be harmful to those nearby neighbouring residents, contrary to the aims and objectives of policy DC61.

### **HIGHWAY/PARKING**

Highway and parking issues were addressed under the original application ref. no. P0633.99. The current application relates only to the amendment of the hours of operation and would not adversely affect the existing highway or parking arrangements and/or generate a material increase in users of the facility to an unacceptable level.

### **KEY ISSUES/CONCLUSIONS**

It is considered that the proposed extended opening hours will be excessive given the site's proximity to residential development. Confirmation has been received from the SNT that there are on average two calls per month relating to noise and disturbance by young people in cars at the McDonalds. In addition, 4 of the 6 crimes reported at McDonalds over the last 6 months occurred between midnight and 2:30am. The Council's CPDA objects against the proposed opening hours. It is therefore recommended that planning permission be refused for the reasons set out in this report.

### **RECOMMENDATION**

It is recommended that **planning permission be REFUSED** for the reasons:

1. Refusal non standard Condition

The proposed extension of opening hours would by reason of noise and disturbance caused by customers entering and leaving the premises together with any associated vehicle movement, reported anti-social behaviour complaints and its location close to a residential area, be unacceptably detrimental to the amenities of the occupiers of neighbouring residential properties, contrary to Policies DC23, DC61 and DC63 of the LDF Development Control Policies Development Plan Document.