



REGULATORY SERVICES COMMITTEE

18 December 2014

REPORT

Subject Heading:

P116.14: 44 Herbert Road, Emerson Park

Erection of a 2-storey, 5-bed detached dwelling house with separate double garage and formation of a new driveway with access onto Fairlawns Close. (Application received 11 September 2014)

Ward:

Emerson Park

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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

The proposal is for the erection of 1no. detached two-storey five-bedroom house and a detached double garage on a rectangular plot of land located to the south of the larger development site at 44 Herbert Road.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

This matter has been called in to committee by Councillor Ower and Councillor Ramsey in view of the impact on the surrounding properties and the planning history of the site.

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 and that the applicable fee would be £4,912, subject to indexation. This is based on the creation of 245.6 square metres of new gross internal floor space.

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

- A financial contribution of £6,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- 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 obligations/ monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that planning permission is granted 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 Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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.

3. Parking Provision

Before the dwelling hereby permitted is first occupied, the car parking provision to the front of the proposed garage shall be laid out to the full satisfaction of the Local Planning Authority and be made available for use and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4. External Materials

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

Reason: To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC54.

5. Landscaping

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.

6. 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 submitted to and 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.

7. Cycle Storage

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

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

8. Pedestrian 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.

9. Vehicle Access

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered and completed 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. Boundary Screening/ Fencing

Prior to the commencement of the development, details of all boundary screening and screen walling shall be submitted to and agreed in writing by the Local Planning Authority and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

11. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the approved plans), shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

12. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), Article 3, Schedule 2, Part 1, Classes A, B, C or E no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellings shall take place 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.

13. Internal Sprinkler System

No development shall take place until details of the proposed emergency sprinkler system, to be installed in the approved dwelling, have been submitted to and approved in writing by the Local Planning Authority. The approved sprinkler system shall be installed prior to the first occupation of the development and retained as such for the life of the development.

Reason: In the interests of fire safety and amenity, in accordance with the LDF Development Control Policies Development Plan Document Policy DC61.

14. Wheel Washing

Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

15. Construction Method Statement

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the

amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

16. 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.

17. Preserved Trees

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development

commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason:-

To protect the trees on the site subject to a Tree Preservation Order and in order that the development accords with the Development Control Policies Development Plan Document Policy DC60.

18. Garage – Restriction of Use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(or any order revoking and re-enacting that Order with or without modification), the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason:-

To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

19. Obscure Glazing

The proposed windows in the western elevation, namely the ground floor sitting room window and first floor ensuite bathroom window only, 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.

INFORMATIVES

1. 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.
2. 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

3. Thames Water Informative

With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

4. 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 £4,912 (subject to indexation). Further details with regard to CIL are available from the Council's website.

5. 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.

6. Highways Informatives:

Changes to the public highway (including permanent or temporary access) 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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Please note that a lamp column is affected by the new access. This will need to be relocated and potentially the lighting locally redesigned to accommodate the access. This will be at the applicant's cost.

Highway legislation

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New

Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

REPORT DETAIL

1. Background

- 1.1 This matter is brought before committee because the application has been called in by Councillor Ower and Councillor Ramsey in view of the impact on the surrounding properties and the planning history of the site.

2. Site Description

- 2.1 The application relates to land at 44 Herbert Road, Emerson Park. This is a rectangular plot of land located to the south of the larger 44 Herbert Road development site, which was granted planning permission for 3no. detached houses in 2013.
- 2.2 The site measures approximately 1,300 square metres (0.13 Hectares) and is covered with trees which are subject to a Tree Preservation Order (TPO).
- 2.3 There is an unused and overgrown vehicular access onto Fairlawns Close and the site abuts the rear garden boundaries of houses at Channing Close and Beverley Close. The site is within the Emerson Park Policy Area and falls under the Sector Six guidance criteria.

3. Description of Proposal

- 3.1 The proposal is for the erection of 1no. detached five-bedroom house and a detached double garage.
- 3.2 This proposal follows the refusal of planning application P0053.14 in March 2014 for a detached five-bedroom dwelling. The application was refused on the grounds that the scale, bulk and massing of the proposed dwelling

would result in an overly dominant and visually intrusive feature within the streetscene and would have an unacceptable impact on the privacy and outlook of neighbouring residents. A subsequent appeal was dismissed by the Planning Inspectorate in June 2014, with the Inspector citing that the proposal would cause unacceptable harm to the character and appearance of the area, and would have an unacceptable effect on the living conditions of nearby residents.

- 3.3 The current proposal has sought to address the previous refusal reasons by reducing the overall scale, height, bulk and massing of the dwelling and the removal of a first floor roof terrace.
- 3.4 The proposed dwelling would be located centrally within the plot with a footprint of 160 square metres, covering approximately 12% of the 1,300 square metre site. The proposed house would consist of two storeys including a hipped roof design with a ridge height of approximately 8 metres. The western elevation would feature an extended roof slope which will incorporate a single storey side section.
- 3.5 Internally the house would be arranged around a spacious layout including an entrance hall, study, dining room, sitting room, kitchen and utility room at ground floor level and the five bedrooms, bathrooms and en-suites at first floor level.
- 3.6 In terms of amenity space the proposed layout would include a spacious private rear garden of approximately 492 square metres enclosed by boundary fencing. To the front and side the proposal will provide a landscaped garden areas and a driveway leading to a 5.7 metre wide by 5.9 metre deep double garage incorporating a pyramid hipped roof with a ridge height of 4.7 metres.
- 3.7 It is proposed that vehicular access to the site would be provided from Fairlawns Close with off street car parking provision along the driveway and within the detached double garage.

4. Relevant History

- 4.1 P0053.14 - Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close – Refused. Appeal Ref: APP/B5480/A/14/2216369 – Dismissed.
- 4.2 P1147.13 – Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close – Withdrawn

5. Consultations/Representations

- 5.1 Notification letters were sent to 27 properties and 12 representations have been received.
- 5.2 The objections to the proposed development can be summarised as follows:

- The proposal is not significantly different from the previously refused planning application under P0053.14.
 - Issues raised by the Planning Inspector have not been addressed such as the orientation of the dwelling in relation to Fairlawns Close.
 - The proposal does not complement or improve the character, appearance and amenity of the area.
 - Over development of the site and the dwelling would still be too close to the boundaries.
 - Design and scale are out of character for the area.
 - The proposal still represents an overbearing and dominant design due to its positioning.
 - Imposing building which is too high/ tall.
 - Loss of privacy and overlooking to surrounding houses and gardens.
 - Proposal is contrary to the provisions of the Emerson Park SPD, adopted Development Management policies, the London Plan and National Planning Policy Framework.
 - Increased traffic and air pollution.
 - Loss of outlook from surrounding houses and gardens.
 - Destruction of wildlife habitat and a biodiversity corridor – no ecological assessment has been undertaken.
 - Loss of mature Tree Preservation Order trees and vegetation.
 - Inappropriate use due to ecosystems supported on site.
 - Noise pollution and disturbance during construction and later during habitation of the proposed house.
 - Development will be to the detriment of the surrounding residents.
- 5.3 The Emerson Park and Ardleigh Residents Association have objected to the proposal on the grounds that it will result in undue dominance and loss of privacy to neighbours, particularly No.6 Channing Close.
- 5.4 Essex Water - no objection.
- 5.5 Thames Water – no objection.
- 5.6 London Fire Brigade Water Team – no objection.
- 5.7 London Fire and Emergency Planning Authority – the existing turning facility at the end of Fairlawns Close does not appear to be of sufficient size for a pump appliance to reverse into turn and drive out. The inclusion of a condition requiring the provision of domestic sprinklers as an alternative would overcome this issue.
- 5.8 The Local Highway Authority – no objection.
- 5.9 Environmental Health – no objection, requested the inclusion of conditions relating to contaminated land issues.

6. Relevant Policies

- 6.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 6.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.
- 6.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) are relevant to these proposals.

7. Staff Comments

- 7.1 The main considerations relate to the principle of residential development at the site, the impact on the surrounding special character of Emerson Park, the impact on the amenity of the surrounding residential properties and the development of a site containing trees covered by a Tree Preservation Order.

Principle of Development

- 7.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 7.3 The site was formerly part of the rear garden curtilage for the now demolished property at 44 Herbert Road. Under the provisions of the NPPF there is no priority given to garden land as a re-developable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is within a predominantly residential area. Policy CP1 states that outside these areas all non-designated land shall be prioritised for housing.
- 7.3 On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

Density/ Layout

- 7.4 Policy DC2 of the LDF provides guidance in relation to the dwelling mix and density within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 7.5 The proposal would provide 1no residential unit at a density equivalent to around 8 dwellings per hectare. This is below the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location, but given the specific site circumstances and local context the density is considered to be acceptable.
- 7.6 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end the policy requires that new residential development conforms to minimum internal space standards. No specific standard is given for two storey five bedroom houses but as a guideline in comparison to the requirements for four bedroom properties the proposed 245 square metres of internal floorspace and spacious front and rear gardens are considered to be far in excess of the minimum requirements for day to day living.
- 7.7 The Emerson Park Policy Area SPD states that Emerson Park has a distinctive character of varied and well maintained single family detached dwellings in spacious and well landscaped grounds. The spacious internal layout and large garden is considered to be consistent with the typical medium and large detached dwellings within the Sector Six guidance criteria area.
- 7.8 On balance it is considered that the proposed internal spacing and amenity areas would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants. The proposed dwelling would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policies DC2, DC61, the Residential Design SPD and the Emerson Park Policy Area SPD.

Design/Impact on Street/Garden Scene

- 7.9 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context. Policy DC69 expands on these terms by making specific reference to the special character of, amongst other things, the Emerson Park Policy Area which is typified by large and varied dwellings set in spacious mature, well landscaped grounds.
- 7.10 The proposed dwelling will be located on an area of wooded former rear garden adjacent to the cul-de-sac at Fairlawns Close and to the rear of houses at Channing Close and Beverley Close. Given the site width the proposed house will be located in an off-set position in relation to the other

houses on Fairlawns Close. Nevertheless, the extended rear garden of 5 Beverley Close and the separate access arrangements to the Herbert Road housing development on the plot to the north gives the application site a degree of separation from these neighbouring houses. In this respect the site can be regarded with a level of isolation.

- 7.11 In terms of its footprint and siting within the plot the proposal demonstrates suitable front and rear amenity space for a 5 bedroom dwelling and can comfortably include provision for a detached double garage to the front with landscaping.
- 7.12 In dismissing the previous scheme the Inspector, in respect of design and streetscene issues, considered that the scale and bulk of the proposed dwelling would be at odds with the dwellings in Channing Close and also Fairlawns Close. Additionally the Inspector considered that the design of the dwelling would not face the Channing Close streetscene and therefore fail to integrate sufficiently with the existing pattern of development.
- 7.13 The proposed dwelling will form a prominent feature in terms of its visual impact, particularly from the rear of houses and gardens at No.s 5, 6 & 7 Channing Close and No.s 6 & 7 Beverley Close. The roof ridge height would stand at approximately 8 metres, a reduction of 2.3 metres from the previously refused scheme. Likewise the overall bulk and scale of the building has been reduced considerably, with the two storey western elevation reduced to a single storey section and a continuous roofline sloping down from the ridge level. The design and style of the proposal is considered to adhere to the architectural character of the Emerson Park estate and officers are of the view that the scale of the dwelling has been reduced sufficiently to the more modest scale of the dwellings in Fairlawns Close. As such the height and massing of the proposed house would respect the immediate context and complement the setting.
- 7.14 In the previous scheme the front elevation of the dwelling would have been angled away from Fairlawns Close with the most prominent elevation of the dwelling being the western flank consisting of a largely blank side elevation. In the revised scheme the proposed western side elevation contains several prominent habitable room windows within a gable design, giving this section of the dwelling a more active appearance and a stronger association with the neighbouring houses. Consequently, staff consider, as a matter of judgement, that the greater degree of detailing to the west facing flank of the building will integrate more satisfactorily with the Fairlawns Close streetscene and would overcome the concerns previously raised by the Inspector.
- 7.15 Given the width of the site, there is little scope to alter the orientation of the dwelling within the plot without resulting in more direct overlooking and privacy issues, particularly for properties at Channing Close. Effectively the positioning of the dwelling is limited and the reorientation of the dwelling footprint to have a direct frontage with Fairlawns Close would create more

substantial issues of overlooking. The additional elevational detail is considered to be an appropriate compromise in this regard.

- 7.16 As a result two large habitable room windows will be located in close proximity to the rear garden boundary with 5 Beverley Close. However, these windows will have an outlook towards the rear vehicular access and would not necessarily present issues in relation to privacy. The two smaller windows towards the rear of the elevation would not be primary windows and Staff are suggesting that these be obscure glazed to limit the potential for overlooking.
- 7.17 An important consideration in respect of the backland garden development is the degree to which the proposed development would maintain or enhance the character and appearance of the rear garden setting, particularly with regard to the dwellings at Channing Close and Beverley Close. In assessing this aspect it is essential to consider the wider context of the site setting and give some acknowledgment to the existing arrangements within neighbouring plots. The amenity area and spaciousness around the proposed dwelling is considered to be consistent with local character, in particular it is similar to the relationship the new houses to the north have with neighbouring properties in The Lombards. Combined with the two storey nature of the proposed development, it is considered that the proposal would not be inconsistent with the prevailing pattern of development locally and the existing character. Based on these contributory factors the proposed development is judged to differ sufficiently in terms of scale, bulk and height from that previously refused in March 2014.
- 7.18 On balance it is considered that the proposed development would serve to maintain the character and appearance of the surrounding area. However the proposed the building is still of substantial scale and mass and it is acknowledged that Members may reach an alternative view in this respect. The reduced scale, bulk, height and massing of the house would be sympathetic to the adjacent dwellings and rear garden setting in accordance with Policies DC61 and DC69 and the Emerson Park Policy Area SPD.

Impact on Amenity

- 7.19 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 7.20 The main consideration in terms of residential amenity relates to the impact on outlook and privacy for the houses to the east and south of the development site at Channing Close and Beverley Close respectively.

- 7.21 In dismissing the previous scheme the Inspector raised concerns in respect of the harmful overlooking from a proposed rear roof terrace. In addition particular regard was given to the presence of the substantial, largely blank, side elevation in close proximity to the rear of No.6 Channing Close. The inspector concluded that the previous proposal would have an unacceptably dominating and enclosing effect on outlook in relation to No.6. It was also noted that there would be some effect in relation to No.s 5 & 7, but this would not be unacceptable given the oblique angles involved.
- 7.22 The proposed single storey element of the eastern side elevation of the house will be set in approximately 4.9m from the boundary with the rear garden of 6 Channing Close. The existing rear conservatory at No.6 is not detailed on the submitted drawings, however taking this structure into account the proposed dwelling would be positioned approximately 18 metres from rear habitable room at No.6. This distance will be at a slightly oblique angle, however the offset leading angle of the side boundary fence between No.s 6 & 7 Channing Close leads the focus of the garden directly towards the development site.
- 7.23 Nevertheless, the majority of the single storey side elevation of the dwelling closest to the boundary would be obscured at the lower levels by the garden fence line. In direct contrast to the previously refused scheme with its domineering two storey side elevation, the roof in this revised proposal would slope steeply away from the garden boundary of No.6 Channing Close as it rises up from the eaves height at single storey level to the main roof ridge. As a result the sloping roof design, the overall reduction in the bulk of the side elevation and height of the dwelling would comprise a significant improvement in terms of the impact on the outlook of the neighbouring dwellings in comparison to the previous scheme. Staff consider, as a matter of judgement, that this overcomes concerns previously raised by the Inspector in respect of the relationship with no.6 Channing Close.
- 7.24 It is therefore considered as a matter of judgment that sufficient measures would be applied in this revised scheme to outweigh the previous concerns in relation to the overbearing impact and loss of outlook on the neighbouring occupiers, particularly at No.6 Channing Close. Given the positioning and orientation of the site the proposed dwelling would be visible and relatively prominent from the rear of the surrounding dwellings. However, officers have taken the considered view that the revised design would be more consistent with the spacing distances and character of developments within the local area. In this context any undue impact on outlook would not be to such an unreasonable extent to recommend refusal on the grounds of amenity.
- 7.25 The first floor rear roof terrace has been deleted from the revised scheme and as such the issues in relation to privacy and overlooking in this regard have been eliminated.

- 7.26 The distances displayed between the proposed development and the houses at Channing Close and Beverley Close are considered to be acceptable in order to maintain outlook and privacy between the new dwelling and the neighbouring residents at Channing Close and Beverley Close. It is noted that, although the previous scheme was dismissed, the Inspector did not consider the proposal to be materially harmful to properties in Beverley Close or at no.4 Channing Close.
- 7.27 On balance, it is not considered that the proposed house would unduly harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

Trees

- 7.28 The site once formed part of the garden curtilage of the former house at 44 Herbert Road and for many years has been untended leaving the site with a small unmanaged woodland which is now covered by a TPO. The wooded site offers a pleasant outlook for neighbouring houses on all sides mainly due to the prominent canopies of several of the larger mature trees.
- 7.29 The submitted tree survey details the retention of mature trees along the western boundary and in the southern sections of the site. However, a number of smaller TPO trees will be lost along the eastern boundary of the site as an inevitable consequence of the constraints caused by limited space available due to the positioning of the proposed house. The loss of the smaller trees could potentially be mitigated by planting which can be required through a landscaping condition.
- 7.30 As such full details of the landscaping proposals will be required through condition, including details of planting measures along the rear garden boundaries with No.s 5, 6 & 7 Channing Close.

Environmental Issues

- 7.31 The site was previously in use as a part of a residential garden curtilage and as such there are no historical contaminated land issues associated with the plot.
- 7.32 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.33 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

Parking and Highway Issues

- 7.34 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) the site has a low rating and therefore new

residential development in this location is required to provide a high car parking provision of 2 no. spaces per unit.

- 7.35 The proposal can demonstrate off street car parking provision for in excess of 2no. vehicles along the front driveway and double garage.
- 7.36 Vehicular access to the proposed site would be taken from Fairlawns Close. The London Fire and Emergency Planning Authority have raised concerns that emergency vehicles would not be able to access the site, although the installation of an internal sprinkler system would overcome this issue and will be included as a condition of any planning permission.
- 7.37 The Local Highway Authority has raised no objection in relation to the proposed amount of car parking provision and the access and servicing arrangements from Fairlawns Close.
- 7.38 It is therefore considered that the proposed car parking and access arrangements are acceptable and would not result in highway safety or parking/ servicing issues.
- 7.389 noted that full details of these arrangements can be reasonably obtained through the inclusion of relevant conditions.

Community Infrastructure Levy and Developer Contributions

- 7.40 The proposed development will create 1 no. new residential unit with 245.6 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £4,912 based on the calculation of £20.00 per square metre.
- 7.41 Under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD a payment of £6,000 should be made for each new dwelling in respect of the infrastructure costs arising from the development. The proposal would create 1 no. new dwelling and would therefore be subject to a legal agreement to provide a contribution of £6,000.

8. Conclusion

- 8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 8.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the street scene or rear garden setting nor would it result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all

other respects and it is therefore recommended that planning permission be granted subject to conditions and the applicant entering into a legal agreement to secure the infrastructure contribution.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be needed to draft the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 11 September 2014.