



REGULATORY SERVICES COMMITTEE

23 February 2017

REPORT

Subject Heading:

P1390.16 - 47 Southern Way, Romford

Demolition of existing outbuilding and replacement with a granny annexe (Received 30/08/16, revision received 01/11/16).

Ward:

Brooklands

Lead Officer:

Helen Oakerbee
Planning Manager

Report Author and contact details:

Evert Grobbelaar
Senior Planner
evert.grobbelaar@havering.gov.uk
01708 432724

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

- Havering will be clean and its environment will be cared for []
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

This report considers an application for the demolition of an existing outbuilding and constructing a residential annexe connected with the existing dwelling at 47 Southern Way. The Site is currently located at the end of Southern Way with a private drive to the south of the application site providing access to 3 no. dwellings to the rear. The site contains a two-storey end of terrace dwelling. The existing detached outbuilding is located to the east of the dwelling. The proposal raises a main issue of the residential unit remaining as an annexe to the main building. There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject conditions on the planning permission and to the prior completion of a S106 planning obligation to ensure that the unit remains as an annexe to the main dwelling and not a separate residential unit the development would be acceptable

RECOMMENDATIONS

That the application is unacceptable as it stands but would be acceptable subject to applicant entering into a Section 106 Legal Agreement to secure the following:

- That the residential annexe hereby approved shall be permanently retained as an annexe to the existing dwelling at 47 Southern Way and shall not be sub-divided or sold off separately from the main dwelling.
- The Developer/Owner 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.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Assistant Director of Regulatory Services 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 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. External Materials

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

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

5. Porches

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no porches shall be erected to the front or side of the extension hereby permitted, without the express permission in writing of 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.

6. Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extension or enlargement (including additions to roofs) shall be made to the annexe hereby permitted, without the express permission in writing of 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.

7. Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no outbuilding, gates, walls or enclosures shall be erected, constructed or altered within the site known as No. 47 Southern Way (including the annexe) 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 order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

8. Subdivision

The garden area shall not be subdivided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

Reason: In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email at various stages through the application process. The revisions involved a reduction in the size of the annex. The amendments were subsequently submitted on 1 November 2016.
2. 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.

REPORT DETAIL

1. Site Description

- 1.1 The subject site is located at the end of Southern Way with a private drive to the south of the application site providing access to 3 no. dwellings to the rear. The site contains a two-storey end of terrace dwelling. The existing detached outbuilding is located to the east of the dwelling.
- 1.2 The surrounding environment is an established residential area. The primary characteristics of the area are two-storey terraced dwellings.

2. Description of Proposal

- 2.1. The proposal is for the demolition of the existing outbuilding and the construction of an annex which will be ancillary to the main dwelling on the site. The proposal will measure 7m in depth and 5m in width and will be finished with a dual-pitched roof measuring 2.5m in height to eaves and 3.5m to the ridge. The annex will consist of a bedroom, shower room and kitchen/lounge.
- 2.2 No additional access is proposed and the annex will be accessed through the existing dwelling.

3. Relevant History

- 3.1 P0033.96 - Two storey side extensions - Approved

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 16 properties and 4 letters of objection were received. One letter was received commenting on issues relating to refuse storage in the area and ensuring that sufficient storage arrangements are available for this development. The following concerns were raised:

- Proposal would add to existing noise levels from tenants
- Footprint in excess of what would be considered acceptable for an annex
- Height of roof would be out of keeping
- Renting seems to be the real intention of the annex
- Health and safety concerns with access through the property
- Road to the south of the subject site is a private road
- Subject property does not have access right onto the private road
- Parking concerns
- Overlooking concerns

- 4.2 The applicant has revised the drawings by significantly reducing the layout of the proposed outbuilding. The recommended planning obligation would prohibit the renting of the annex to a third party. Health and safety concerns are covered through different legislation. Access to the private road is not a material planning consideration and is a private matter between the applicant and the owners of the private road. Matters regarding parking and overlooking are considered in the assessment below.

5. Relevant Policies

- 5.1 The National Planning Policy Framework is relevant to this application.
- 5.2 Policies 3.5, 7.4, 7.6 and 8.3 of the London Plan are material considerations.
- 5.3 Policies CP1, CP17, DC3, DC32, DC61 and DC72 of the LDF are relevant, as is the Residential Design SPD.

6. Staff Comments

6.1 The issues arising from this application are the principle of development, its impact on local character and amenity, the suitability of the residential accommodation and resultant living environment, the impact on the amenity of adjoining occupiers and parking and highway issues.

6.2 Principle of Development

6.2.1 The Residential Extensions & Alterations SPD defines a residential annexe as accommodation that is ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The guidance states that the annexe must form part of the same planning unit, sharing facilities, including access, parking and garden areas.

6.2.2 The layout, design and physical relationship between the house and the proposed annexe are therefore important considerations, and the proposed annexe must demonstrate clear connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. As a guide, the scale should be such that the annexe could be used as a part of the main dwelling once any dependency need has ceased.

6.2.3 Although it is capable of independent occupation by virtue of its facilities, it is considered that the proposed annexe would be unlikely to be occupied by anyone other than people closely associated with the occupants of the main house and who would therefore be content to share the remaining curtilage area to the main dwelling and live in close proximity with, and overlooked by those in the main house. It is considered the close proximity and relationship of the proposed annexe with the curtilage of the main dwelling would limit this to use as an annexe. The applicant has confirmed that the conversion is intended to be used by the elderly parent of the applicant as residential accommodation. Staff are satisfied that the development is to be undertaken as an annexe to the main house. It is recommended that the applicant enter into a legal agreement to secure the use of the unit as an annexe to the main dwelling, as there is a concern that it would be relatively easy to sub-divide the plot in the future, given the location of the annexe building and the ability to access it from the private road to the south of the application site.

6.3 *Design/Impact on Streetscene*

6.3.1 Given the setback from the public highway and the location and scale of the extension the proposal will not have an adverse effect on the street scene.

6.3.2 The proposed building would result in a significant reduction in built form from that which is currently on site. The building will be to the rear and will not be readily visible from the Southern Way streetscene. There will not be any adverse effects on the street scene as a result.

6.3.3 The proposal is considered to be largely in keeping with the size and scale of other outbuildings in the surrounding area. The proposed development is not considered to be incongruous.

6.4 *Impact on Amenity*

6.4.1 The proposed extension will be located within the rear garden environment of No. 47 Southern Way. Given the screening provided by the existing fence and vegetation, the size and scale of this extension will not have adverse overlooking, dominance or overshadowing effects on the adjoining site.

6.4.1 It is acknowledged that there would be comings and goings to the annexe and increased use of the garden area but an outbuilding in use as a hobby, games and garden room could generate a similar level of traffic particularly in the summer months. As such officers are of the opinion that use of an outbuilding as a residential annexe would give rise to levels of noise and disturbance that would not be substantially different to those that could arise between gardens. As such the use would be unlikely to give rise to significant adverse impacts on health and quality of life or unreasonable adverse effects on the environment by reason of noise.

6.5 *Parking and Highway Issues*

6.5.1 The development is considered as an annexe to the main dwelling and is expected to share facilities, including parking with the main dwelling. The existing dwelling have on-site parking space available to the front for 2 no. vehicles which is in keeping with the requirement for this part of the Borough. The proposed annex will be ancillary to the use of the existing dwelling and would therefore not require additional parking.

6.6 *Infrastructure Impact of Development*

6.6.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

6.6.2 The Council's Residential Extensions and Alterations SPD states that in order for a residential annex to be defined as accommodation ancillary to the main dwelling within the residential curtilage the annex must form part of the same planning unit and share facilities, including access, parking and garden areas.

6.6.3 The applicant has provided information relating to the future use of the outbuilding, which will be used as a granny annex ancillary to the main dwelling. It will not be used as a separate unit of residential

accommodation. It is not therefore judged that the proposal requires the payment of an infrastructure contribution towards education provision.

6.6.4 It would however be necessary for the applicant to enter into a legal agreement to ensure that the building will be used as a secondary and incidental part of the main residential activity on the site and not as a separate planning unit.

7. Conclusion

7.1 The proposal is considered to be acceptable in principle in terms of impact on the character of the area and not considered to have any adverse impact on neighbouring residential amenity. The proposal is judged to provide a suitable level of residential accommodation provided it is used as an annexe to the main dwelling, and thereby maintains access to the shared amenity area and to off street parking provision.

7.2 It is considered that the applicant should enter into a legal agreement to prevent independent occupation. In order to secure the use of the unit as an annexe to the main dwelling given the potential for the outbuilding to be separately occupied in the future. Staff consider that the applicant should enter into a legal agreement to prevent the sub-division and independent occupation. There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject to the prior completion of a S106 planning obligation the development would be acceptable.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

Planning policies take into consideration equalities issues. The proposal will provide a form of accommodation that meets the particular needs of an individual

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 30 August 2016,
revision received on 01 November 2016.