



<b>Application Reference:</b>	<b>P2012.17</b>
<b>Location:</b>	<b>17 Elm Grove</b>
<b>Ward:</b>	<b>Emerson Park</b>
<b>Description:</b>	<b>Retrospective application for use of outbuilding in rear garden for domestic and business use</b>
<b>Case Officer:</b>	<b>Cole Hodder</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received.</b>

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## **1. BACKGROUND**

- 1.1 The application was called in by Councillor Roger Ramsey who expressed concern over the potential scale of the business use and harmful precedent.
- 1.2 The application was considered at the Planning Committee meeting 17 January 2019 where it was deferred to enable the applicant to address concerns that has been expressed regarding the following:
  - Change to Condition 3 to refer to business use rather than office use.
  - Change to Condition 3 to limit hours from 9am to 5pm Mon-Fri.
  - Additional condition to control the number of visitors to the business at any one time.
  - Officers to consider any additional conditions that may be recommended.
- 1.3 The report is now brought back to Members, updated with further information on the above matters. Given the change to reporting format, the previous report has been transferred across to the new template and reproduced below from section 5 onwards for completeness.

## **2. SUMMARY OF CHANGES**

- 2.1 In view of the discussions that took place at the previous Planning Committee meeting between members regarding the appropriateness of the planning

conditions to be imposed in the event of approval, officers have revisited the wording and nature of the conditions in line with those discussions. The applicant has worked proactively with the Local Planning Authority on the following, which are considered to address the concerns raised by members.

1. Accordance with plans - The development must not deviate in layout, scale or appearance from the approved plans (drawing reference 17EG/17/02).
2. Personal permission – The business use of the outbuilding hereby permitted is limited to the applicant in their capacity as residents of the dwelling on the same land and shall not enure for the benefit of the land or any other person.
3. Non-incidentual use of the outbuilding shall be restricted to the hours of 0900 to 1700 Monday to Friday and shall not occur at any other time.
4. In the event that customers, employees, directors, contractors or other visitors attend the premises in association with the business use, then there shall be no more than three persons at any given time and they shall park any vehicle driven or associated with them on the forecourt of the premises at all times.
5. Use of outbuilding is restricted solely to administrative functions in association with the homeowner's business and domestic activities incidental to main house.

### **3. SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 3.1 The use of an outbuilding as an office by the residents of the dwelling, to which it is associated, is considered reasonable within a residential area. The proposal does not conflict with the development plan and conditions are recommended to mitigate any potential impacts associated with the proposed use. The outbuilding itself, though expanded from the scale originally approved, remains in proportion to the scale of the block. The conditions to be imposed in the event of approval are considered to be capable of controlling the business use. Officers do not consider there to be sufficient grounds to recommend refusal of the application for planning permission.

### **4. RECOMMENDATION**

- 4.1 That the Committee resolve to GRANT planning permission subject to conditions to secure the following matters:

#### **Conditions**

1. Accordance with plans - The development must not deviate in layout, scale or appearance from the approved plans (drawing reference 17EG/17/02).

2. Personal permission – The business use of the outbuilding hereby permitted is limited to the applicant in their capacity as residents of the dwelling on the same land and shall not enure for the benefit of the land or any other person.
3. Non-incident use of the outbuilding shall be restricted to the hours of 0900 to 1700 Monday to Friday and shall not occur at any other time.
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### **Informatives**

1. Approval following revision

## **5. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 5.1 This application seeks permission for the expansion (from 25.4sqm to 72.77sqm) and continued use of part of an outbuilding for office use incidental to the homeowner's business.

### **Site and Surroundings**

- 5.2 The site comprises a large detached family dwelling and outbuilding set within a spacious front and rear garden. The current application relates to the outbuilding which is located to the western end of the site adjacent to the rear boundary.
- 5.3 Elm Grove and the surrounding streets are typified by detached double storey dwellings with mature trees and deep rear gardens. The site is located approximately 1.5 miles north east of Hornchurch town centre, within the Emerson Park policy area.

### **Planning History**

- 5.4 The following planning decisions are relevant to the application:
  - N0078.14 – Front boundary sliding gates revised to be timber panel sliding gates - Refuse.
  - N0042.14 – Minor amendment to P0456.13 – Front boundary wall with railings and metal railing sliding gates revised and front side wall and railing to match - Approved.

- Q0172.13 - Discharge of Conditions 3 & 4 of P0456.13. – Approved (in part).
- P0456.13 - Demolition of the existing detached dwelling with integral garage and construction of a replacement detached house with integral garage. New extended crossover, new front boundary wall with railings and metal railing sliding gates. New detached garden outbuilding to the rear of the site new patio and drive – Approved with conditions

## **6. LOCAL REPRESENTATION**

6.1 A total of twenty four neighbouring properties were notified about the application and invited to comment.

6.2 The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses:            Seven, seven objections.

6.3 The following Councillor representation was made:

- Councillor Roger Ramsey has called in the application on the basis that there is potential for the office use to expand, becoming a significant business operation harmful to the character of the area, and capable of setting a precedent for similar use and development.

6.4 With regards to the above, the application must be considered as submitted, and the proposal has been assessed on its merits. Any future possible expansion of the outbuilding or intensification of business use would be the subject of a separate application.

6.5 The business use as described by the applicants and their agent appears to be of a level that would not conflict with the surrounding residential environment.

6.6 A condition is recommended to prevent the further expansion of the outbuilding shown on plan 17EG/17/02. Conditions are also recommended to safeguard residential amenity and limit business activities to those associated with the owner of the dwelling on the site.

6.7 The following issues were raised in representations (all objections) made in response to consultation on the application. The considerations listed are material to the determination of the application, and addressed in the next section of this report:

- Scale of business use incompatible with residential area
- Increased demand for on street parking
- Harmful to residential character/harmful precedent

- 6.8 Representations made by surrounding residents suggest that a larger scale of business use is underway at the site than described in the application documents. It is alleged that vehicles with the St Lewis Design LTD company branding frequently park in the surrounding streets, to the detriment of the amenity of residents. The case officer has visited the premises on two separate occasions to view how the outbuilding is used. There was no evidence to suggest that the outbuilding was being used for any other capacity than described by the applicant. In addition, officers have visited the property in the intervening period to observe the levels of parking activity associated with the dwelling. Elm Grove and the surrounding roads in the Emerson Park Policy Area are frequented by contractors associated with residential construction work and it was not possible to distinguish whether vehicles parked on-street were associated with business use at the application site.
- 6.9 Planning officers have taken the advice of the Highway Authority and concluded that the limited scale of the business and the availability of off-street parking, weigh in favour of the proposal. As a safeguard, a condition is also recommended to limit parking for visitors to the office part of the outbuilding to parking within the curtilage of the property.
- 6.10 Highway Authority: No Objection

## **7. MATERIAL PLANNING CONSIDERATIONS**

- 7.1 The main planning issues raised by the application that the committee must consider are:
- Whether business use would give rise to any change in character of area/the principle of development
  - The impact of the business use on neighbouring residential amenity through noise/general disturbance
  - Highways/Parking
- 7.2 The outbuilding was constructed in 2015 and subsequently extended. The current form of the outbuilding is not deemed to have a visual impact or create any overlooking of adjacent residential properties.
- 7.3 The planning policy considerations include:
- Havering Core Strategy and Development Control Policies Development plan Document
    - CP17 Design
    - DC3 Housing Design and Layout
    - DC33 Car Parking
    - DC35 Cycling
    - DC61 Urban Design
    - DC63 Delivering Safer Places
    - DC69 Other Areas of Special Townscape or Landscape Character
  - Supplementary Planning Documents:

- Emerson Park Policy Area
- Sustainable Design and Construction
- Landscaping
- Residential Design

### **Principle of Development**

- 7.4 The outbuilding is used as an office in association with the business owned by the Applicant who resides in the dwelling on the site. The applicant is a Director of St Lewis Design Limited, a company specialised in groundworks and registered at 118 Collier Row Road, Romford. Within the supporting statement accompanying this submission it is advised that the outbuilding would be used by the applicant for both domestic and business activities. The domestic use of the outbuilding is ancillary to the house and would not require planning approval.
- 7.5 No manufacturing, or similar uses are proposed that would create undue noise, odour or emissions incompatible with a residential area.
- 7.6 The scale of the outbuilding has increased since its consent in association with development of the dwelling (P0456.13) and at times the level of activity associated with the office use has caused disturbance to neighbours. The site has therefore been investigated by Havering's enforcement officers, who subsequently invited this application to be made.
- 7.7 It is unclear as to whether the level of office activity has reduced since the original enforcement investigation, but at the time of the site inspection for the application, observations made by staff correlated with the applicant's description of how the outbuilding is used. The office component of the outbuilding measures less than 25sqm and was observed to be arranged as per the layout plan provided, (17/EG/17/02), comprising a single large desk, two desktop computers, several chairs, a small kitchenette and a small toilet room.
- 7.8 The information provided with this submission describes a business operation of a small scale which is subordinate to the use of the associated dwelling.
- 7.9 Providing that the proposal does not conflict with other development plan considerations that are assessed further below, the principle of the development is considered to be acceptable.
- ### **Impact of the business use residential amenity**
- 7.10 The activities associated with the business use of the outbuilding are not considered to be "noise-making". Nonetheless the outbuilding was observed to be well insulated and sufficiently separated so as to negate any residual noise. It is the opinion of staff that the use of the outbuilding, even in the capacity of being partially associated with the applicant's business is capable of being reasonably likened to that of a domestic outbuilding in terms of its immediate impacts.

### **Highways/Parking**

- 7.11 Permission was granted in 2013 for the demolition of the existing dwelling and the construction of a nine bedroom replacement (an uplift of four bedrooms). Given the prospective occupancy of the dwelling, it is reasonable to assert that vehicle movement to and from the dwelling (business use aside) would be greater than that of a dwelling with lesser occupancy. The applicant advises that the dwelling has seven vehicles associated with its occupation by the family, and provision for off-street surface parking for at least ten vehicles, and an integral two car garage.
- 7.12 The applicant advises that the office would be used solely by the applicant and other family members and that no clients or staff would visit the property. It is not possible to condition who visits a private property, though given the scale of the office component of the outbuilding generating significant volumes of traffic.
- 7.13 In view of the fact that no staff would be employed or would operate from the "home-office" aside from the applicant, there cannot be any distinguishable increase in vehicle movement over and above the domestic activities associated with 17 Elm Grove. Equally, if other company Directors only visit the property on an infrequent basis, the detriment should be negligible and not sufficient to recommend refusal of the application.
- 7.14 The Highway Authority were invited to comment on the development proposals have not objected, therefore it is not considered that there are sufficient grounds to substantiate a refusal on the basis of vehicle parking.

### **Conclusions**

- 7.15 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.