



# REGULATORY SERVICES COMMITTEE

# REPORT

**17 May 2012**

**Subject Heading:**

**P0312.12: 'The Earles,' Broxhill Road  
Havering-Atte-Bower, Romford RM4 1QJ**

**Removal of existing carport, alteration to front elevation and conversion of garage. The construction of a two storey rear extension, an external deck area and a detached garage. (Application received 14 March 2012)**

**Report Author and contact details:**

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**Policy context:**

**Local Development Framework  
The London Plan 2011  
National Planning Policy Framework**

**Financial summary:**

**None**

**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

## SUMMARY

Planning permission is sought to convert the garage at this detached 2 storey single dwelling house to create additional habitable accommodation, for the removal of the existing car port, the construction of a two storey rear extension, an external deck area and a new detached garage.

The applicant has agreed to execute a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 which will enable the applicant to implement either this permission or an alternative development permitted by the Council on 4th February 2011 under Ref. P1653.10 but not both permissions.

Staff consider the proposal to be acceptable and it is recommended that planning permission is granted.

## RECOMMENDATIONS

The application is unacceptable as it stands, but would be acceptable subject to applicant entering into a Unilateral Undertaking to secure the following:

- The owner/s (developer/s) of the application site covenanting not to implement both this Permission and the Planning Permission (planning Ref: P1653.10) dated 4th February 2011.
- As appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking.

That Staff be authorised that upon completion of the Unilateral Undertaking, planning permission be granted subject to the following conditions:

It is recommended that planning permission be granted subject to the following conditions:

1. SC04 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).

2. SC10 Matching Materials

All new external finishes shall be carried out in materials to match those of the existing building 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.

3. SC31 Use as part of main dwelling

The extension hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 'The Earles, Broxhill Road' and not used as a separate unit of residential accommodation at any time.

Reason: The site is within an area where the local planning authority consider that the subdivision of existing properties should not be permitted in the interests of amenity, and to ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC32 In Accordance with Plans

The development hereby permitted shall be carried out in accordance with the following approved plans: Nos. 10/701/27, 10/701/30, 10/701/31, 10/701/1 and 10/701/29.

Reason: For the avoidance of doubt and in the interests of proper planning.

5. SC62 Hours of Construction

No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity.

6. SC45A Removal of permitted development rights (extensions)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent revisions 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 garden areas of the dwelling 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.

7. Non standard condition. Removal of permitted development rights (gates, walls and fences)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, Article 3, Schedule 2, Part 2, Class A, no gates, walls, fences or means of enclosure shall be erected, constructed or altered within the site known as 'The Earles,' Broxhill Road, including the annexe hereby permitted, unless permission under 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 annexe hereby approved remains ancillary to the main dwelling house and that the development accords with Policy DC61 of the Havering Development Control Policies Development Plan Document.

8. Non standard condition. No sub-division of garden area.

The garden area of 'The Earles' shall not be sub-divided at any time nor shall there be provided any additional pedestrian or vehicular accesses into the site.

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

## **INFORMATIVES**

1. Reason for Approval:

The development would accord with the aims, objectives and provisions of Policies DC33, DC45, DC61, DC69 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document, Policies 7.1, 7.4, 7.6, and 7.16 of The London Plan 2011 and Section 9 (Green Belts) of the National Planning Policy Framework 2011.

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 dwelling house) is needed.

2. This planning permission is subject to a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 to the effect that only this

permission or that approved under the Council's Planning Permission Ref. P1653.10 dated 4th February 2011 is implemented and not both permissions.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site lies to the east of Broxhill Road and comprises a detached 2 storey dwelling set centrally within the site. There is a single vehicular access from Broxhill Road. The site is enclosed by boundary walls and gates to the front. The side and rear boundaries are enclosed by fencing and vegetation which screen much of the site from view.
- 1.2 To the south of the site is the Broxhill Centre and to the north are some scattered residential dwellings. Broxhill Road is lined with trees and has a rural character, separate from that of the junction with Noak Hill Road which is characterised by the highway and surrounding buildings. Broxhill Road slopes northwards with the site set lower than the highway.
- 1.3 The site forms part of the designated Metropolitan Green Belt and steps slowly to the east to form the rear garden. Neighbouring properties north on Broxhill Road are positioned higher due to the level change along the street. The site also forms part of the Havering Ridge of Special Character.

### **2. Description of Proposal**

- 2.1 Permission is sought for a garage conversion to create additional habitable accommodation, the removal of an existing car port, the construction of a two storey rear extension, an external deck and a new detached garage.
- 2.2 The two storey rear extension would measure 4 m deep (at ground and first floor), 11.2 m wide and 7.6m high to the ridge. The roof would be 4m below the main ridge line of the existing house. At ground floor the extension would comprise a kitchen and sun room and at first floor two bedrooms with bathrooms.
- 2.3 The external deck area would measure 3.5 m deep and project out around the extension by a further 2.2 m.
- 2.4 The new garage would be located to the southern edge of the property and measure 6.5 m deep, 4 m wide and 3.7 m high with a pitched roof.

### **3. Relevant History**

- 3.1 P1653.10 - Two storey front extension with alterations to front elevation. First floor side extension and single storey rear extension - approved.

P1817.87 - Detached dwelling with garage - approved.

P1919.86 - Demolition of existing house and construction of a new dwelling house - approved.

L/HAV/1071/80 - Temporary siting of residential caravans - approved.

#### **4. Consultations/Representations**

4.1 Neighbour notification letters were sent to 9 properties. No representations have been received.

4.2. A site notice has been displayed advertising a development within the Metropolitan Green Belt. No representations have been received.

#### **5. Relevant policies**

Policies DC33, DC36, DC45, DC61, DC69 of the Havering LDF Core Strategy Development Control Policies DPD.

Residential Extensions and Alterations SPD.

Policies 7.1, 7.4, 7.6, 7.16 and 8.3 of The London Plan 2011.

Section 9 (Green Belts) of the National Planning Policy Framework 2011.

#### **6. The Mayor's Community Infrastructure Levy**

The net increase in gross internal area (GIA) of the resultant dwelling will be 71 square metres and the GIA of the proposed garage is 22.7 square metres. This gives an overall increase in GIA of 93.7 square metres and the proposal is not therefore considered to be liable to the Mayor's Community Infrastructure Levy.

#### **7. Staff Comments**

7.1 The determining issues to consider relate to the principle of development particularly the impact of the proposed extension and alterations upon the open character of the Metropolitan Green Belt and the streetscene, neighbouring residential amenity, highway matters and parking. It is because the development would exceed 50% of the volume of the original building that this application is brought to the Committee.

##### Principle of Development and Green Belt Implications

7.2 The site is situated within the Metropolitan Green Belt where development is restricted in order to limit the sprawl of urban settlements, safeguard the countryside from encroachment and preserve the setting and character of historic towns. Green Belts are characteristically open in character. Section 9 of the National Planning Policy Framework states the extension or

alteration of a building may be acceptable, provided that it does not result in disproportionate additions over and above the size of the original building.

- 7.3 London Plan policy 7.16 requires that the strongest protection is given to London's Green Belt in accordance with national guidance. Inappropriate development should be refused. Development will be supported if it is appropriate and help secure the objective of improving the Green Belt.
- 7.4 LDF Policy DC45 states that extensions to existing dwellings in the Green Belt will only be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. Extensions to buildings should not have an adverse impact upon the character or openness of the Green Belt.
- 7.5 The dwelling as existing is a replacement dwelling, following the grant of planning permission P1817.87. Plans submitted with the 1987 application state that the original dwelling on the site (now demolished) had a volume of 675 cubic metres. This dwelling was a bungalow with accommodation within the roof space. The dwelling was arranged with a central entrance with a room either side each with a single centrally located window. There are no measurements or scales on the plans which enable Staff to accurately measure the dimensions of the now demolished original dwelling. However, given the modest scale of the house on plan, it is considered that the cubic content figure of 675 m<sup>3</sup> is inaccurate.
- 7.6 The applicant has provided calculations which state that the existing property has a volume of 1,063.43 cubic metres, representing an increase of 57% over the original stated volume. However, as detailed above, Staff question the accuracy of this, and given the length of time that the dwelling as existing has been on site, consider some flexibility may be given in considering the acceptability of further extensions.
- 7.7 The extension proposed within this application result in an increase of 263.96 m<sup>3</sup>, to create a total volume of 1,327.39 m<sup>3</sup>. The proposal represents a 24% increase above the existing dwelling. Despite the absence of accurate original dimensions, it is considered that the proposals would represent a figure in excess of 70% over the original dwelling. The acceptability of this is considered below.
- 7.8 Staff note that planning permission has been granted for extensions to the dwelling under reference P1653.10. However, the applicant has stated that they are unable to construct the first floor extension over the garage due to poor quality foundations. Additional structural support would be overly expensive in this case, and alternative proposals are now sought. The permitted increase over the existing dwelling was 28%. The current proposals are therefore for a similar but slightly reduced volume, in a form which does not extend the width of the dwelling at first floor. The extension is not considered 'disproportionate' to the existing dwelling.

- 7.9 London Plan policy 7.4 'Local Character' requires development to provide a high quality design response to the form, function and structure of an area. Policy 7.7 'requires 'Architecture' to incorporate the highest quality materials and design appropriate to its context.
- 7.10 LDF Policy DC61 states that planning permission will only be granted for development which maintains; enhances and improves the character and appearance of the local area.
- 7.11 The site also lies within the designated Havering Ridge Special Character Area. LDF Policy DC69 states that the Council will seek to preserve the special character of Havering Ridge, including protecting views to and from the area.
- 7.12 The existing property has an extended canopy over a car port which projects to the northern boundary. This gives the impression that the existing dwelling is wider than it actually is. It is proposed to remove this canopy and open up this side of the property that faces the adjacent dwelling. This would allow for open views down the plot, and refocus the bulk of the dwelling centrally to the front gable, rather than the extended canopy.
- 7.13 The dwelling is set centrally within the site and is partially screened from the highway by mature trees which line the boundaries. Broxhill Road rises steeply north with the dwelling in the site set slightly lower than the highway. The rear extension would replace an existing conservatory and bay window and would not be visible as part of the streetscene, nor raise the height of the dwelling nor increase the dwellings width. The depth of the building would increase, although this would not be visible from the public highway.
- 7.14 The extension would be finished with a double hipped roof which is set lower than that of the main ridge line, and would be constructed in matching materials. At first floor the plans are shown with two Juliette windows which overlook the rear garden. Staff raise no objection to the Juliette windows, as these do not project from the elevation.
- 7.15 Beneath the rear extension is a proposed deck area, which stretches across the entire rear elevation. This would not be visible as part of the streetscene or from surrounding view points, given existing boundary screening and relative isolation of the plot. Staff consider that whilst this would increase the built footprint of the property, the remainder of the site would be open in character to which no objection is raised.
- 7.16 The existing balcony to the front elevation is to be removed and replaced with conventional windows, retaining the small gables set at eaves level; this is a relatively minor alteration which is considered acceptable.
- 7.17 The existing garage would be converted to additional living accommodation; this has been previously approved as part of P1653.10 and remains acceptable. However, it is now proposed to construct a detached garage, in place of a car port that would be removed. The new garage would be set to



the southern elevation of the property and would be visible from the highway. This is a simple rectangular structure, finished with a gable fronted roof and is of a conventional appearance to which Staff raise no objection. With regard to openness, the garage is of a lesser width than the car port to be removed and appears as a subordinate structure. Staff therefore consider the garage acceptable.

7.18 Dwellings along Broxhill Road are individually designed and well spaced apart, as such; the streetscene is of a mixed character where the enlarged dwelling is considered to acceptably integrate. Furthermore, given the existing screening around the site and the level changes in the locality, it is considered that the proposals would not compromise the special character or views of Havering Ridge.

7.19 It is considered the extension would provide a symmetrical appearance and acceptably blend into the existing dwelling, although one which is much larger.

7.20 In conclusion, it is considered the extension would not result in adverse harm to the open character of the Green Belt and would be acceptable within the street scene.

7.21 Further, the applicant has agreed to enter into a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 agreeing to implement only this permission or the development permitted by the Council on 4th February 2011 under Ref. P1653.10 but not both permissions.

### 7.3 Impact on Amenity

7.3.1 The Earles is a detached dwelling set away from all boundaries. The nearest property 'Keepers Cottage' is situated to the north and is positioned higher due to the level change on Broxhill Road.

7.3.2 The proposed two storey rear extension incorporates a single first floor flank window, which serves as a secondary window to a bedroom. This would overlook the garden of the host dwelling and face 'Keepers Cottage' to the north. This is not considered to result in overlooking, or harmful loss of residential amenity given its facing over the garden rather than the neighbouring dwelling. At a distance of 13.3 m to the boundary and secondary nature. Staff raise no objection to this window.

7.3.3 The property is not to increase in width or height and the distance between this property and 'Keepers Cottage' would therefore remain the same. In all it is considered that there would be no harm to neighbouring residential amenity. The detached garage is set to the southern boundary, across which is open land, where no loss of amenity is considered to result.

7.3.4 The rear garden is not proposed to be altered. The garage conversion is considered appropriate.

7.3.5 The ground floor alterations propose to create a ground floor annex for the elderly relatives of the existing occupants. The annex has two connections into the main dwelling and could be accessed independently from the outside into the annex kitchen. The layout is considered to acceptably work as an annex, and the external access is considered acceptable as it is not unusual for dwellings to have side accesses. However, whilst the layout is integrated into the existing dwelling and contained to a part of the ground floor leaving the main house as the primary accommodation, there is potential that the unit could be converted and is self contained. It is therefore considered appropriate that a condition be attached to any consent restricting the subdivision of this annex to create a self contained unit in future.

#### 7.4 Parking and Highway Issues

7.4.1 The proposals involve the loss of the existing garage. However, a new garage would be provided and the site has a large area of hard standing to the front which would remain where there is space for several vehicles. This arrangement is considered acceptable. Highway access from Broxhill Road is to remain and there are no proposed changes. In all, it is considered that the development would not result in adverse harm to the highway.

### 8. **Conclusion**

8.1 It is considered that the proposals would acceptably integrate into the existing dwelling and wider Broxhill Road streetscene. The enlarged dwelling would not detract from the special character of views in and out of Havering Ridge. The rear extension would not be visible as part of the streetscene and the detached garage is considered to be of a subordinate form to the main dwelling. The removal of the car port would also create the impression of openness towards the northern edge of the plot which would improve and enhance the open character of the Green Belt.

8.2 The proposal is considered to be acceptable in principle and Staff recommend that planning permission be granted subject to conditions and the completion of a unilateral undertaking.

## IMPLICATIONS AND RISKS

#### **Financial implications and risks:**

None directly affecting the Council.

#### **Legal implications and risks:**

Legal resources will be required in the consideration of the Unilateral Undertaking.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

None.

**BACKGROUND PAPERS**

Application form, drawings Nos. 10/701/27, 10/701/30, 10/701/31, 10/701/1  
10/701/29 and Design and Access Statement supporting statement received on 14  
March 2012.