



Havering
LONDON BOROUGH



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REGULATORY SERVICES COMMITTEE

REPORT

19 July 2012

Subject Heading:

**P0576.12 – Land at bottom of gardens
at 125 & 127 Havering Road, Romford**

**Proposed 2 no. semi detached houses
(Application received 30th April 2012)**

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 01708 432800**

Policy context:

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

Financial summary:

None

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

Clean, safe and green borough	[x]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[]

SUMMARY

This report concerns an application for a pair of semi-detached houses to be provided on land which currently forms the rear gardens of Nos. 125 and 127 Havering Road. A Section 106 Legal Agreement is required in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

RECOMMENDATIONS

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 £12,000 to be used towards infrastructure costs 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.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to commencement of development.

That Staff 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. 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 ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

4. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted plan,) 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.

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. Cycle storage - Prior to completion of the works 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.

7. Sight lines - 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.

8. 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, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved 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.

10. Highway alterations - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development.

Reason: To ensure the interests of the travelling public are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

11. Vehicular crossovers - The building shall not be occupied until a vehicular crossover running the entire length of the proposed off-street parking spaces has been constructed.

Reason: To ensure highway safety for the travelling public.

12. Parking Spaces - Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 2 car parking spaces for each of the 2 dwellings and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety.

13. Secure By Design - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.13 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

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 is based on an internal gross floor area of 190m² and amounts to £3,800.

INFORMATIVES

1. Reason for Approval The proposal is considered to be in accordance with CP1, CP2, CP17, DC2, DC3, DC11, DC33, DC61, DC63, DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Residential Extensions and Alterations Supplementary Planning Document and the Supplementary Planning Document (SPD) for Residential Design. The

proposal is also considered to be in accordance with the provisions of Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.13, 7.4 and 8.3 of the London Plan.

2. 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. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

3. The developer, their representatives and contractors are advised that this planning permission does not discharge the requirements under 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) required during the construction of the development.

4. With regard to surface water drainage it is the responsibility of a 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

5. In aiming to satisfy condition 13 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

Planning Obligations

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 application site comprises land which currently forms the bottom portion of the rear gardens of 125 & 127 Havering Road. The site currently consists of open land, a garage and outbuildings. The site has a frontage onto Saffron Road of approximately 15.9m and the site has a depth of approximately 23.5m.
- 1.2 The surrounding area is predominantly residential in character, comprising two storey semi-detached, and terraced properties. The site boundary is located approximately 20m from the rear building line of 125 & 127 Havering Road, which form a semi-detached pair. The site is flanked on the other side by a row of terraces, with 2 Saffron Road closest to the site.

2. Description of Proposal

- 2.1 The application seeks permission for the demolition of the outbuildings currently on the site and the erection of a pair of semi-detached three bedroom dwellings.
- 2.2 In terms of appearance the proposed two storey dwellings would have hipped roofs. Each house would have a feature double height front projection of 0.9m, which would be finished with hipped roofs. The dwellings would have canopies over the front doors and the rear elevation at ground floor level. In terms of finishing materials, the predominant materials proposed are render, concrete roof tiles and UPVC windows and doors.
- 2.3 Each dwelling would measure 6.5m in width and 7.1m in depth (excluding the front projections). The eaves height would be 5.7m and the ridge height would be 8.65m.
- 2.4 The dwellings would sit at a slight angle in the plot to ensure that the front building line of Saffron Road is continued in the new dwellings. The front gardens would measure 5.4m at the shortest point and the rear gardens would measure 7.3m at the shortest point. Rear access would be available to the side of each dwelling, each accessway measuring 1m at its narrowest point.

3. Relevant History

- 3.1 No relevant history

4. Consultations/Representations

- 4.1 Neighbouring properties were directly notified of this proposal. Eight letters of objection have been received. The letters raised the following concerns:
- 1) The new houses would exacerbate existing parking problems
 - 2) The drainage in Saffron Road is already below standard and frequently leads to flash floods. The proposed new houses would exacerbate the existing surface water drainage problems.
 - 3) Housing in back gardens is out of character with the area
 - 4) Housing in back gardens leads to the area appearing congested
 - 5) The new houses will cause noise problems for existing residents
 - 6) The new houses will overlook existing properties, leading to a loss of privacy
 - 7) The surrounding infrastructure such as schools and health centres are already oversubscribed
 - 8) The houses will result in a loss of light to certain neighbouring occupiers
 - 9) The building works will be noisy and dangerous to children living in the vicinity
 - 10) The development may lead to a loss of street trees
 - 11) There has been a huge rise of new dwellings being built in Romford and there is no need for any more to be built
- 4.2 The issues raised in points 1, 3, 4, 5, 6 and 8 will be considered in the analysis below. In reference to point 2, the dwelling is located in Flood Zone 1 and there is no watercourse nearby. Both Thames Water and Essex & Suffolk Water have been consulted, and have no objections to the proposal. Thames Water has recommended the imposing of an informative regarding surface water and offered to advise the applicant on how to avoid exacerbating surface water issues in the area. The applicant has been informed of the drainage issues existing in the area, and has been put in touch with Thames Water.
- 4.3 In reference to point 7, it is acknowledged that new dwellings will put pressure on existing infrastructure. It is for this reason that a contribution in accordance with the Council's Planning Obligations SPD is required, as these contributions will be used to maintain and enhance the local infrastructure, including schools and health facilities.
- 4.4 In reference to point 9, disruption during building works is not a valid reason to refuse consent. Nevertheless, a condition has been suggested limiting the hours during which construction can take place. There should be no loss of street trees as a result of the development. In reference to point 11, the evidence base collated for the Local Development Framework clearly demonstrated the continuing need for new houses in Romford.
- 4.5 Crime Prevention Design Advisor - Recommends a condition and informative if minded to grant planning permission.

- 4.6 The Highway Authority has no objections to the proposals and recommends a condition and informatives if minded to grant planning permission.
- 4.7 London Fire and Emergency Planning Authority - The Brigade is satisfied with the proposals.

5. Relevant Policies

5.1 LDF Core Strategy Development Plan Document

CP1 – Housing Supply
CP2 – Sustainable Communities
CP17 – Design
DC2 – Housing Mix and Density
DC3 – Housing Design and Layout
DC11 – Non-designated sites
DC33 – Car parking
DC61 – Urban design
DC63 – Delivering safer places
DC72 – Planning Obligations

Residential Extensions and Alterations Supplementary Planning Document
Supplementary Planning Document (SPD) for Residential Design
Planning Obligations Supplementary Planning Document

5.3 The London Plan

3.3 – Increasing housing supply
3.4 – Optimising housing potential
3.5 – Quality and design of housing developments
3.8 – Housing choice
6.13 – Parking
7.13 – Safety, security and resilience to emergency
7.4 – Local character
8.3 – Community infrastructure levy

5.4 Government Guidance

National Planning Policy Framework

6. Staff Comments

- 6.1 The main issues in this case are the principle of development, density and site layout, the impact on the streetscene, the impact on neighbouring amenity and any highway and parking issues.

6.2 Principle of Development

- 6.2.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. As the site does not fall within any designated areas, and the surrounding use is residential, then residential uses are acceptable in this area.
- 6.2.2 The National Planning Policy Framework encourages local authorities to resist inappropriate development of residential gardens where the development would cause harm to the local area. In this case, the site has a frontage onto Saffron Road, an established residential street. The gardens of 125 and 127 would retain a rear garden depth of approximately 20m. The site area of 355 square metres would not result in an overly cramped development (see density discussion below).
- 6.2.3 A valid consideration on whether this development represents an inappropriate development of residential gardens is whether the gardens in this location are particularly important in maintaining open character. Staff note that the side streets leading from Havering Road and Mashiters Hill are characterized by the return of the rear gardens of the corner dwellings on the main road before the building line of the side streets begin. However, staff also note that 20m of rear gardens will be retained, so the end of Saffron Road will remain open. Staff also note that the land to the rear of 15 and 17 Mashiters Hill, which is the next side street along, has experienced similar development. It is a matter of some judgment for committee members as to whether the development constitutes inappropriate development of residential gardens; staff consider that in principle the establishment of dwellings on the site would not be inappropriate, nor result in harm to the local area, and therefore, is in accordance with policy criteria.

6.3 Density and site layout:

- 6.3.1 The site is identified as having a relatively low level of Public Transport Accessibility (PTAL) of 1-2, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-50 dwellings is anticipated. The site identified comprises an area of 0.037 hectares and the proposal would produce a density of 54 dwellings per hectare. As the density is only slightly over the anticipated dwelling, this is deemed to be acceptable.
- 6.3.2 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In this instance the proposed houses would each benefit from a private rear garden area of approximately 67 square metres. Staff are of the view that the proposed rear garden areas are acceptable in

terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

6.4 Impact on local character and street scene:

6.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. In this case, existing development within Saffron Road comprises of a mix of two storey semi-detached and terrace houses. The predominant design includes two storey front projections, similar to those proposed for the new dwellings. Therefore, the proposed dwellings are considered to be compatible with the streetscene and surrounding area.

6.4.4 The dwellings would be similar in height to neighbouring residential dwellings. It is considered that the height and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality.

6.4.5 The position of the dwellings in the streetscene is compatible with the general building line in Saffron Road. The proposed houses would utilise a mixture of materials including render, roof tiles and UPVC windows. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring dwellings. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

6.4.6 This end of Saffron Road is currently very open as a result of the rear gardens of No. 123 and 125 Havering Road. The proposed dwellings will close this gap to some extent and result in a mild unbalancing of the street scene. Members may wish to consider whether this will prove harmful to the streetscene. As a 20m rear garden will be retained to Nos. 125 and 127, the majority of the spacing will be retained, and staff consider that this will sufficiently mitigate the unbalancing effect.

6.5 Impact on amenity

6.5.1 It is acknowledged that the front and rear windows of the proposed dwellings would overlook part of the rear gardens of Nos. 123 and 129 Havering Road and there would be only just over 7m between the rear of the new dwellings and the garden of No. 129. However, given that the view would be over the bottom of these gardens, so the 20m depth of rear garden closest to the house would not be significantly overlooked by the proposed dwellings. Members may wish to consider whether this overlooking represents an unacceptable loss of privacy, or if the new dwellings would appear unacceptably overbearing to the occupiers of No. 129. Staff consider that the distance from the overlooked area of rear garden to the houses of No. 123 and 129 means that the front and rear windows of the

proposed dwellings would not result in an unacceptable loss of privacy to neighbouring occupiers and the houses would not appear unacceptably over bearing to neighbouring properties.

6.5.2 The flank walls would each have a first floor landing window. There would be a 20m separation distance from the east flank window to the rear of No. 125. The west flank window would face the flank wall of No. 2 Saffron Road, which has a single window that, given its size and position in the wall, appears to serve a landing. Staff consequently do not feel it necessary to impose a condition requiring that the landing windows be obscurely glazed. A condition will be placed in respect of boundary treatments if minded to grant planning permission.

6.5.3 The terrace consisting of Nos. 2-8 Saffron Road is the only property located within 20m of the proposed dwelling. Only 2 Saffron Road would be affected by the proposal, as views of the new dwellings from the other properties in the terrace would be obscured by No. 2 Saffron Road. As the front and rear building line of the proposed dwellings is consistent with that of the terrace, the only impact on No. 2 Saffron Road would be the overshadowing of the flank window, which, as mentioned above, is believed to serve a landing. As a landing is not a habitable room, and no objection has been received from the occupier of No. 2 Saffron Road, staff conclude that the impact of the proposal on the amenity of the occupiers of No. 2 would be acceptable.

6.6 Highway/parking issues

6.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum of 1.5 to 2 spaces per unit. The proposal does not establish parking provision, however the front gardens would be large enough to provide two parking spaces and 40% landscaping. Conditions are suggested which will require each dwelling to have two car parking spaces, and for a full landscaping scheme to be submitted for consideration, this would ensure compliance with Policy DC2. The Highway Authority has no objections to the proposals subject to the imposition of various conditions. The Fire Brigade is satisfied with the proposals.

7. The Mayor's Community Infrastructure Levy

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 190m² and amounts to £3,800.

8. Conclusion

8.1 The proposal raises matters of judgement in relation to the principle of the development on existing residential gardens and the relationship between the proposed dwellings and the neighbour at No. 129. Staff consider that

the height, siting, design and scale of the dwellings proposed are compatible with the prevailing scale and character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The applicant has agreed to a financial contribution of £12k towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered by staff to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form, plans and a design and access statement received on 30th April 2012.