



REGULATORY SERVICES COMMITTEE

2 August 2012

REPORT

Subject Heading:

P0685.12 – Ferndale, 1 Paternoster Row, Noak Hill, Romford

Conversion of detached garage into a new dwelling (30th May 2012)

Report Author and contact details:

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Policy context:

Local Development Framework

Financial summary:

None

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

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[x]
Valuing and enhancing the lives of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The application seeks planning permission for the conversion of an existing detached garage to provide annexe accommodation for family members. A legal agreement is required to place an occupation restriction on the annexe for family members. 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 and approval is therefore recommended.

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:

- The owners / developers covenants that the occupation of the proposed development shall be restricted to relatives of the owners of the land comprising Ferndale, 1 Paternoster Row;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising Ferndale, 1 Paternoster Row;
- 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 obligation/s monitoring fee prior to the completion of the agreement.

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 hereby permitted shall not be commenced 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 - All new external finishes shall be carried out in materials to match those of the existing building, and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority to the satisfaction of 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 in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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 Development Control Policies Development Plan Document Policy DC61.

4. Removal of Permitted Development Rights (I) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, 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. 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.

6. Removal of Permitted Development Rights (II) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, C, D or E and fences and boundary treatments under Part 2, Class A 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. Sound Insulation - The converted outbuilding shall be so constructed as to provide sound insulation of 43 DnT, w + Ctr dB (minimum values) against airborne noise and 64 L'nT, w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the recommendations of the National Planning Policy Framework, and in order that the development accords with Development Control Policies Development Plan Document Policies DC55 and DC61.

INFORMATIVES:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP14, CP17, DC4, DC33, DC45, DC55, DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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 dwellinghouse) is needed.

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 Ferndale is a large, detached chalet bungalow set in 0.6ha of land. The site is located along the private road of Paternoster Row, and falls within the Metropolitan Green Belt and the Having Ridge Area of Special Character. The front boundary of the site comprises mature hedging and two sets of electric gates, serving an in-and-out drive. There is parking for at least 6 vehicles on the hardstanding in front of the house.
- 1.2 In the northern corner of the site, set at right angles to the main house is a large, detached double garage. The garage is brick built, with a tiled hipped roof. A games room is located in the roof of the garage, which contains two front and two rear facing dormer windows. Behind the garage, is a 2.5m high hedge.
- 1.3 There are a small number of detached properties set in generous plots in the vicinity, but predominantly the surrounding area comprises open fields and small patches or strips of woodland.

2. Description of Proposal

- 2.1 The application is to convert the double garage into a two bedroom house to act as an annexe to the main house, for the use of the applicants' daughter and her family. The house would comprise 2 bedrooms and a bathroom on the first floor and a lounge, kitchen, utility room and dining room at ground floor level. The floor area would be around 120 square metres.

- 2.2 To facilitate the conversion the garage doors and external staircase would be removed and a front door and three ground floor windows would be inserted into the front elevation. A side door would be inserted into the east facing elevation and a new ground floor window inserted into the rear elevation. At first floor level the only change would be the insertion of a 0.75m x 1m roof light to the front elevation, to sit between the existing dormer windows.
- 2.3 The annexe would share the parking and amenity space belonging to the main house.

3. Relevant History

- 3.1 P1975.07 – Form 1st floor above re-built ground floor side extension. Including front, side and rear dormer windows – Approved
- 3.2 P1540.05 - Form bedroom within first floor mansard roof, new garages, new roof over existing garage, dormer windows & glazed entrance porch – Approved

4. Consultations/Representations

- 4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Seven neighbouring properties were also directly notified of this proposal. No letters of representation were received.
- 4.2 The Council's Highways Authority has no comment or objection.
- 4.3 The Council's Environmental Health Department recommends the imposing of 2 conditions if minded to grant planning permission.

5. Relevant Policies

- 5.1 Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are CP14, CP17, DC4, DC33, DC45, DC55, DC61 and DC69.
- 5.2 London Plan 2011 Policy 3.4, Optimising Housing Potential. 7.16, Green Belt.
- 5.3 NPPF Section 6 "Delivering a wide Choice of Homes", Section 7 "Requiring Good Design" and Section 9 "Protecting Green Belt land."

6. Staff Comments

- 6.1 The issues to be considered in this case are the principle of converting the garage, the impact on the Metropolitan Green Belt and the Havering Ridge Area of Special Character, amenity issues and highway implications.

7. Principle of Development

- 7.1 The application site lies within the Metropolitan Green Belt. The proposal is for alterations to the existing garage to provide residential accommodation as an annexe to the main dwelling for the use of family members of the occupiers of the main dwelling. The National Planning Policy Framework (NPPF) states that the re-use of buildings is acceptable in the Green Belt provided that the buildings are of permanent and substantial construction. Policy DC45 states that particular care will be taken to ensure that the proposed use (including the use of any adjoining land) does not have a greater impact on the openness of the Green Belt.
- 7.2 It is considered that the conversion of the garage complies with the above criteria contained in the LDF and NPPF. This is particularly because the only alterations to the garage to facilitate the conversion would not be visible except from within the site as a result of the mature hedgerow on the northern and western boundaries of the site and the orientation of the building, facing into the site. Views of the building from the nearby roads and across the fields would not see any change to the roof of the building. Furthermore, it is Staff's view that the external alterations would be sympathetic to the character and appearance of the garage.
- 7.4 The garage is in close proximity to the main dwelling, and it is considered that the proposed garage conversion to provide ancillary residential accommodation would not affect the open character and appearance of the Green Belt, as it involves the re-use of an existing building in a manner which accords with guidance in the LDF and NPPF.
- 7.5 Staff are of the opinion that a separate new dwelling in this location, with its associated requirements for separate parking and amenity space, and therefore additional means of enclosure would have a greater impact on the Green Belt than a garage, and therefore would prove harmful to the openness of the Green Belt. However, members are invited to consider whether an annexe, which is ancillary to the main dwelling and therefore shares the parking area and amenity space, with no additional fencing or boundaries would have a greater impact on the Green Belt than the existing garage. If planning permission is granted than a condition removing permitted development rights, including the erection of outbuildings and fences and other boundary treatments would be imposed to ensure that the openness of the Green Belt can not be harmed. Furthermore, the proposed Section 106 legal agreement will ensure that the annexe cannot be alienated or used separately from the main dwelling.
- 7.6 DC69 requires that the special character of the Havering Ridge, including views to and from the area be protected. Staff consider that the proposal would not harm this special character as no new building would be erected, and the alterations to the garage would not be visible in the views including the building. It is considered that the change of use of the garage would

not, due to its location and design, have an adverse impact on the open character of the locality.

8. Impact on Amenity

8.1 Given the nature of the intended use it is not considered that an adverse impact to neighbours would be experienced. The location of the building is some 80 metres from the nearest residential property and is shielded by the main dwelling. To the north west, the nearest residential dwelling is over 100m away. Access to the converted garage would remain unchanged, and therefore, it is considered that the change of use would not result in a significant loss of amenity to adjacent occupiers.

8.2 The existing hedgerow to the northern, western and eastern boundaries of the site would further screen any views of the proposal and dampen noise resulting from activity within the site. It is therefore considered that there would not be any adverse impact upon the amenities of the occupiers of the neighbouring residential properties.

9. Highway/Parking issues

9.1 The conversion of the garage would result in the loss of two car parking spaces and would also require two spaces to serve the annexe. The hardstanding area has room for at least 6 cars, and therefore no parking issues arise as a result of the proposal. The Highway Authority has no objection to the proposal. Therefore the proposal raises no highways or parking issues.

10. Conclusion

10.1 It is considered that the principle of the development and the re-use of the existing garage are acceptable, as the conversion would be for an annexe to the main house and would not require additional means of enclosure or external alterations that would be visible from outside the site.

11.2 Staff consider that the alterations to the existing garage to provide an annexe would not affect the open character and appearance of the Green Belt, as it involves the re-use of an existing building and by reason of its siting, and the quantity and quality of the screening. As a result of separation distances to neighbouring properties, it is considered that the proposal would not result in a significant loss of amenity to adjacent occupiers. The proposal would not create any highway issues. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and a Section 106 Agreement that places an occupation restriction in respect of the garage conversion for family members of the occupiers of the main dwelling.

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:

The Council's planning policies are implemented with regards to Equality and Diversity issues.

BACKGROUND PAPERS

Plans and Documents submitted with the application 30th May 2012