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| Application Reference: | P1488.19 |
| Location: | 50 Elm Road, Romford, RM7 8HH |
| Ward: | Mawneys |
| Description: | Erection of a new dwelling on land to the rear of 50 Elm Road |
| Case Officer: | Sam Cadman |

Reason for Report to Committee:

- A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1. The application is subject to the presumption in favour of sustainable development under paragraph 11d) of the National Planning Policy Framework 2019 (the NPPF). The proposed development complies with all relevant sections of the NPPF, and therefore the application should be approved.
- 1.2. The proposed development would be adequately designed, and provide a good quality of accommodation. The development would have an acceptable impact on: the streetscene, the amenity of neighbouring properties, the highway, and the road network more generally.
- 1.3. However, further details are required in relation to construction management to ensure that there would not be an unacceptable hindrance to the operation of the road and the host dwelling during construction. These details can be required by way of imposing a condition on any grant of planning permission.

2 RECOMMENDATION

- 2.1. That the Committee resolve to GRANT planning permission subject to the suggested planning conditions.

Conditions

1) The development to which this permission relates must be commenced not later than three years from the date of this permission.

2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

3) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

4) No works shall take place in relation to any of the development hereby approved until details and samples of the external finishing materials are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

5) No building shall be occupied or use commenced until landscaping and boundary treatment is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The scheme shall be built out in accordance with the approved details.

6) No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

7) Before the buildings hereby permitted is first occupied, the area set aside for car parking (minimum number of 1 parking space) shall be laid out and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, - or any other development order repealing or amending the said Order - other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the new dwellinghouses hereby permitted, or any detached building(s) erected, without the express permission in writing of the Local Planning Authority.

Informatives

1) Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 38 of the National Planning Policy Framework 2019, additional information was sought from the agent; who amended the design of the scheme to address and overcome these concerns.

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1. The application is seeking planning permission for:
Erection of a new dwelling on land to the rear of 50 Elm Road.
- 3.2. The proposed building would be single storey, and have an eaves height of approximately 2.4m, a maximum height of approximately 5m, a total width of approximately 9m, and a length of approximately 7m.
- 3.3. The proposed dwelling would have one off-street car parking space, waste and refuse storage and cycle storage, as well as their own private rear garden. The donor property will still have two car parking spaces and a private rear garden.

Site and Surroundings

- 3.4. The site lies on the northern side of Elm Road, where the road meets Orchard Road. The site contains a two-storey end-of-terrace building originally built (and remains) as a single family dwellinghouse.
- 3.5. The site lies in Archaeological Priority Zone, but does not contain or affect the setting of any other heritage assets.

Planning History

- 3.6. There are no recent planning applications for this site.

4 CONSULTATION RESPONSE

- 4.1. The views of the Planning Service are expressed in section 6 of this report, under the heading "MATERIAL PLANNING CONSIDERATIONS".
- 4.2. The following were consulted regarding the application:

LB Havering Street Management (Highways)

- 4.3. "With regards to the above application, we have no objection."

LB Havering Waste and Recycling

- 4.4. No objections to the scheme.

- 4.5. “Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Elm Road on the scheduled collection day.”

5 LOCAL REPRESENTATION

- 5.1. A total of 27 neighbouring properties were notified about the application and invited to comment. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

- 5.2. No of individual responses: 6, of which: 5 objected, and 1 was a Councillor comment.

- 5.3. The following Councillor made representations:

- Councillor Jason Frost objecting on the following grounds:
 - The location of this property an end-terrace, as well as the close proximity of the proposed property to the rear gardens in Lynton Avenue would represent a significant risk to privacy, security and enjoyment of a number of surrounding properties.
 - Having consulted the plans, the proposed access route to the new property is narrow, opens on to a road junction (Cross Road) and has to potential to lead to infringement onto Council land (the alleyway leading to Lynton Avenue).
- Officer comment: The application must be assessed on the facts as presented, which does not show any change in the site boundary. Land ownership is not a planning consideration, and neither is infringement or trespass. The specific query in relation to this should be directed towards the Council’s estate management team if there are concerns over this.

Representations

- 5.4. The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report.

Objections

- 5.5. It must be noted that officers can only take into account comments that concern relevant material planning considerations and not those based on personal dislikes, grievances, land disputes, values of properties, covenants and non-planning issues associated with nuisance claims and legal disputes, etc.
- 5.6. The issue of covenants have been raised specifically in objections to the scheme. It must be noted that this relates to land ownership, and planning

permission would not override covenants on the land. Matters relating to covenants is not a planning matter, and will not be commented on further.

5.7. As such, the comments on the application can be summarised below:

- Point 1 - Siting, design and external appearance of the proposed development.
- Point 2 - Impact on enjoyment to surrounding properties (amenity of neighbours).
- Point 3 - Loss of privacy and security.
- Point 4 - Concerns over construction noise and disturbance.
- Point 5 - Highway safety.
- Point 6 - Effect of additional traffic.
- Point 7 - Adequacy of proposed parking and access arrangements; in particular for emergency services.
- Point 8 - Previous refusals at 44 Elm Road (P2398.07 and P0976.08).

5.8. OFFICER COMMENT: These issues are addressed within the body of the assessment as set out in section 6 below ('Material Planning Considerations'). The relevant section to the eight points above is indicated in the report, and precedes the relevant heading or paragraph.

6 MATERIAL PLANNING CONSIDERATIONS

6.1. The main planning issues raised by the application that the committee must consider are:

- Principle of Development
- Density and site layout
- Built Form, Design and Street Scene Implications
- Impact on Neighbouring Amenity
- Transport
- Financial and Other Mitigation
- Other Planning Issues

Principle of Development

6.2. The development is not opposed by policies of the Development Plan.

6.3. The 2019 Housing Delivery Test results indicate that the delivery of housing within the borough has been substantially below the housing requirement over the past three years. As a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of the National Planning Policy Framework 2019 (NPPF) is relevant; an extract is below:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.4. However, caveat ii) includes the need for planning balance against the NPPF, and it is by this that the NPPF also has other aims, one such being the desire to achieve well designed places, and that development integrates well into its surroundings.
- 6.5. As a result, any proposed development would need to demonstrate good design and integration, and therefore subject to further assessment the development is not opposed in principle, providing that the proposal is acceptable in all other material respects.

Density and Site Layout

- 6.6. The proposed development as submitted and indicated on the plans would result in approximately 38 units per hectare (based on the 0.0525 hectare site area), which falls within the lower density ranges set out in policy DC2.
- 6.7. The site has been laid out with adequate access to parking, cycle storage, and waste and refuse storage for both the proposed dwelling and the donor property.

Built Form, Design and Street Scene Implications (Point 1)

- 6.8. The site is located in the existing rear garden of the donor property, and is accessed by the side of the donor property. The scale and bulk of the proposed building has been reduced since submission so that it appears more akin to a domestic outbuilding and is therefore within the character of the rear garden environment. The proposed building would respect the domestic vernacular of an outbuilding in terms of materials choice, and whilst a hipped, dual-pitched roof is uncommon, it still reflects typical outbuilding design. Further details on the materials would be required, and can be secured by way of a planning condition on a grant of planning permission.
- 6.9. The building will not be readily visible from the street, and therefore would not have an unacceptable impact on the streetscene.
- 6.10. The proposed unit would meet the internal space standards as set out in policy 3.5 (and Table 3.3) of the London Plan, and the Technical Housing Standards, would have an acceptable, dual-aspect accommodation with suitable amounts of ventilation and outlook, and is of a suitable size for the

level of proposed occupancy. The garden spaces would be sufficiently large, regular in shape, easy to use, and practicable for future occupants.

- 6.11. There is no information on sustainable design, although given the limited scale of the proposed development, it is not considered necessary to require additional information on this.
- 6.12. The location of the waste and refuse storage would be acceptable, and practicable for future occupants.

Impact on Neighbouring Amenity (Points 2 and 3)

- 6.13. The site lies on the northern side of Elm Road, and is set back from neighbouring properties and the boundaries of the proposed residential unit. The highest part of the windows would be 2.1m, and the fences would be 2m in height and set off from the boundary of the proposed unit. This means that the proposed building would not create any additional overshadowing in terms of daylight and sunlight, and would also prevent issue of overlooking into neighbouring properties.
- 6.14. **(Point 4)** The closest house (the donor property, No50) is over 20m away and is sufficiently distant from the first floor windows to ensure that there are no concerns over privacy in the normal course of use. The scale of the proposed works would be relatively minor, and would not warrant specific consideration in relation to neighbouring amenity. In any event, the hours of construction could be limited by way of a condition on any grant of planning permission.
- 6.15. It is not clear if there would be any adverse impact on the safe use and operation of the donor property during construction, although given the limited scale of the proposed development it is not considered necessary or expedient to impose a condition requiring further information.

Transport

- 6.16. **(Points 5 and 6)** The access to the site would not be any different to that of the existing site, and given the number of proposed occupants, any increase in the number of vehicle movements would not be sufficient to warrant refusal of the scheme.
- 6.17. **(Point 7)** The site has a Public Transport Access Level (PTAL) of 1b (very poor), and given the size of the proposed dwellinghouse, it would be reasonable to assume that any future occupants would rely on private vehicles, and the quantum and design of the parking provided is acceptable and practicable.
- 6.18. The access to the site would be over 4m in width, and the layout of the site is sufficiently large to allow for vehicles to turn when in the site.
- 6.19. The site does not have any areas set aside for cycle parking, and as sustainable modes of transport is promoted by policies of the Development Plan in general, details of this would need to be provided, and in line with the London Cycle Design Standards are secured by condition.

- 6.20. Furthermore, the Highways consultee has not objected to the scheme on highways grounds, and therefore the development complied with HCS policies DC32 and DC33.

Financial and Other Mitigation

- 6.21. The application proposes a new residential unit, and new floor space of approximately 54sqm. The application would attract the following Community Infrastructure Levy contributions – subject to indexation – to mitigate the impact of the development:

- £6,750 LB Havering CIL
- £1,350 Mayoral CIL

- 6.22. Given the size of the site (less than 0.5ha), the scale of the proposed development (less than 10 units), and the density of development (which falls within the requirements of policy DC2), there is no need for the scheme to make a contribution to any affordable housing under policy DC6, and DC72.

Other Planning Issues

- 6.23. It is not clear if the site would hold any archaeological artefacts of heritage interest, although it is unlikely that this would be the case.
- 6.24. There is the possibility under the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended - or under any subsequent Development Order – for the houses as proposed to be altered, enlarged or otherwise changed. Consequently it would be necessary to limit the ability of any alteration or enlargement of the proposed developments by imposing a condition on any grant of planning permission.
- 6.25. **(Point 8)** Previous refusals at No44 Elm Road (P2398.07 and P0976.08) were considered under previous development plans and policies, which have changed significantly in the intervening 12-13 years. As a result, these applications have little relevance in terms of applying current policies, and have little planning weight.

Conclusions

- 6.26. The application is subject to the presumption in favour of sustainable development. As officers are unable to find sufficient discrepancies with other paragraphs and policies of the NPPF, the application must be approved subject to conditions.
- 6.27. In their advice, the Planning Inspectorate indicates that when refusing an application, the Local Planning Authority must also consider the implications of whether or not the application would succeed at appeal (paragraph 1.2.2 of the “Procedural Guide Planning appeals – England [July 2020]”). Officers consider the application acceptable on its own merits. However, if the Planning Committee intend to refuse the application then consideration would need to be given to the implication of this.

6.28. All other relevant policies and considerations have been taken into account. It is recommended that planning permission be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION section of this report (section 2).