



REGULATORY SERVICES COMMITTEE

13 September 2012

REPORT

Subject Heading:

P0859.12 – 3 Heath Close, Gidea Park,
Romford

Conversion of detached garage into a
new dwelling (17th July 2012)

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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 annex accommodation for family members. A Legal Agreement under section 106 of the Town and Country Planning Act 1990 is required to place an occupation restriction on the annex 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 it is therefore recommended that planning permission is granted subject to the completion of a Legal Agreement and conditions.

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 3 Heath Close, Gidea Park, Romford;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising 3 Heath Close, Gidea Park, Romford;
- The owners / developers as appropriate 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;
- 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.

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. 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.

3. 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.

4. 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.

5. 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 the Residential Extensions and Alterations Supplementary Planning Document and Policies CP17, CP18, DC4, DC33, DC55, DC61 and DC68 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 The site lies to the south side of Heath Close, a private cul-de-sac located east of Heath Drive. The site is set within the Gidea Park Conservation Area. Heath Close is typified by semi-detached dwellings; it is narrow in nature, with no pavements and a single track highway; dwellings enclose the street with fences and planting.
- 1.2 The application site comprises a two storey red brick Victorian semi-detached dwelling with open garden set to the side (east) and rear (south). In the south eastern corner of the site is a hardstanding with parking for two vehicles. Behind the hardstanding is a single storey detached double garage. The garage is brick built, with a tiled hipped roof. The garage has a timber garage door to the front, three windows on the west elevation and a pedestrian door on the rear elevation. There are no windows to the east elevation.
- 1.3 The garage is positioned 1m from the eastern boundary. Positioned on the boundary is a garage belonging to No. 2 Heath Close, of similar height, width and design, but shorter in length

2. Description of Proposal

- 2.1 The application is to convert the double garage into a self-contained, one bedroom dwelling to act as an annex to the main house, for the use of the applicant's mother. The house would comprise one bedroom, a bathroom and an open plan kitchen/living room area. The floor area would be around 68 square metres.
- 2.2 No external alterations would be made to the garage to facilitate the conversion; the garage door would remain. The annex would share the parking and amenity space belonging to the main house.

3. Relevant History

- 3.1 P0871.11 – Detached one bedroom bungalow to east of existing dwelling in garden area – Refused
- 3.2 P1405.11 – Detached double length garage – Approved

4. Consultations/Representations

4.1 The application has been advertised in a local newspaper and by way of a site notice. Twelve neighbouring properties were also directly notified of this proposal. Six letters of representation were received. The concerns raised were as follows:

- The proposal would lead to increased traffic
- The proposal would result in overcrowding
- The proposal would set a dangerous precedent
- The proposal is no different from the application for a bungalow, which was rejected
- The proposal would lead to parking problems, the Close is at capacity and no parking is allocated to occupants or visitors to the annex.
- The proposal would lead to an increase in noise and disturbance to neighbouring occupiers.
- The construction of the garage, only 6 months ago was a ploy to ensure that the applicants be permitted additional accommodation
- The location plan is inaccurate, the garage is longer than shown on the plan
- The proposal would change the character of Nos. 1-4 Heath Close
- The proposal includes no garden area for the annex
- The windows of the annex and the main house at No. 3 would interlook
- The drainage could not cope with another dwelling
- The water pressure is insufficient for another dwelling
- The additional electricity required would overload the system
- The telephone system would not cope with an additional dwelling
- The broadband network is too slow and another user in the area would slow it down further
- If the conversion is permitted, the annex may be extended at a later date
- Construction vehicles may damage neighbouring properties when squeezing up and down Heath Close

4.2 The Gidea Park Civic Society considers that the proposal would result in a cramped overdevelopment of the site. The Society considers that the annex should be provided with amenity space and parking, which would result in the inappropriate subdivision of the plot. The Society considers that the annex would not be used as such in the future and the plot would be subdivided, to the detriment of the Gidea Park Conservation Area.

4.3 The Council's Highway Authority has no objections to the proposal. They recommend that the annex should not be let or sold as a separate unit and should be tied as a single unit to the main dwelling.

4.3 The Council's Environmental Health Department has no comments or objections to the application.

4.4 The Council's Heritage Officer considers the change of use of the garage to annex accommodation to be inappropriate and could set a harmful precedent. The Heritage Officers considers that the form of development

would be detrimental to the character of the Gidea Park Conservation Area. The Heritage Officer recommends that the application be refused, or, if members are minded to approve the application, that measures be put in place to prevent the following:

- The annex being sub-let
- The annex having its own postal address
- The subdivision of the existing garden
- The area of hardstanding within the curtilage of the property being increased

5. Relevant Policies

- 5.1 Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are CP17, CP18, DC4, DC33, DC55, DC61 and DC68.
- 5.2 Residential Extensions and Alterations Supplementary Planning Document
- 5.3 London Plan 2011 Policy 3.4 and 7.8.
- 5.4 National Planning Policy Framework

6. Staff Comments

- 6.1 Staff note that the last seven concerns raised by neighbouring residents are not valid planning matters, and cannot be given weight when considering whether or not to grant planning permission for the development.
- 6.2 In particular, the Council can only consider the application in front of them, and cannot speculate on possible future applications for further development, nor let this speculation influence their judgement on the current application.
- 6.3 Staff note that the previous application, reference no. P0871.11 was for the sub-division of the plot and the creation of a one bedroom bungalow. This proposal was refused for the following reasons:
 - 1) The proposed development would, by reason of its height, width, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
 - 2) The proposals would, by reason of proximity to No. 3 Heath Drive within an restricted plot have an unsatisfactory relationship with No. 3 Heath Drive, which would result in an overbearing impact and subsequent loss of residential amenity for any potential future

occupiers, contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- 3) The proposed development would, by reason of its design, appearance and landscaping, result in unsympathetic, visually intrusive development which would not preserve or enhance the special character of this part of the Conservation Area contrary to Policies DC68 of the LDF Core Strategy and Development Control Policies DPD.
 - 4) The proposed development would, by reason of the proximity to No. 3 Heath Close, result in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
 - 5) The proposed development would, by reason of the location of the rear parking spaces in the gardens result in the inadequate provision of amenity space, which results in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 6.4 This previous application differs from the current proposal in a number of ways, the most fundamental being that the previous proposal was for a separate dwelling, while the current proposal is for an annex, to be used in conjunction with the main dwelling and sharing amenity space and parking. As a result, there would be no parking spaces in the rear garden, and no loss of amenity space or landscaping to No. 3.
- 6.5 The size of the existing garage to be converted is also substantially narrower and lower in height than the proposed bungalow. The garage measures 3.6m wide by 11m deep by 4m high to the ridge. The proposed bungalow would have measured 7.5m wide by 11m deep by 6.4m high to the ridge.
- 6.6 The issues to be considered in this case are the principle of converting the garage, the impact on the Gidea Park Conservation Area, amenity issues and highway implications.

7. Principle of Development

- 7.1 The principle of converting outbuildings into annex accommodation for the use of family members is not prohibited by planning policy. The Residential Extensions and Alterations SPD permits the conversion of outbuildings to annexes for dependent relatives, providing it forms part of the same planning unit, sharing facilities including access, parking and amenity space. The policy states that conditions will be attached to prevent the annex becoming a self-contained dwelling. In this case parking and amenity space would be shared, however access would be available separately as the

garage fronts onto Heath Close. It is for this reason staff suggest that a Section 106 agreement is required to ensure the annex is only occupied by family members and is not alienated from the main dwelling, instead of a planning condition.

- 7.2 The SPD goes on to state that the annex should have clear connections to the main dwelling and the size and scale of the annex should be proportionate to the main dwelling. Staff note that the degree of interlocking between the main dwelling and the windows within the proposed annex, which would not be considered acceptable for a separate dwelling, demonstrates a clear connection between the main dwelling and the proposed annex. The outbuilding is also considered to be proportionate in size and scale to the existing dwelling.
- 7.2 Staff therefore consider that in principle the proposed annex is acceptable, so outstanding considerations are the impact of the proposal on the Conservation Area, impact on neighbouring amenity and highways and parking issues.

8. Impact on Conservation Area

- 8.1 DC68 states that planning permission will only be granted for proposals that preserve or enhance the character or appearance of the conservation area. Staff note that the proposal does not involve any change in the appearance of the garage, which was considered to be acceptable when granted planning permission last year. The proposal therefore would not result in any alteration to the appearance of the conservation area. To ensure that no changes are possible in future, staff recommend the imposition of a condition removing all householder permitted development rights.
- 8.2 DC68, referring specifically to the Gidea Park Conservation Area, states that subdivision of plots will only be acceptable where the resultant plot sizes will be similar to those of surrounding properties. Staff consider that the subdivision of the plot would have a harmful and unacceptable impact on the appearance and character of the conservation area, however the proposal does not include the subdivision of the plot. The proposed Section 106 agreement preventing the alienation of the annex from the dwelling and a condition restricting permitted development rights for fences or boundary treatments would prevent any subdivision of the plot occurring in the future. The existing Article 4 Direction would prevent the creation of any additional hardstanding. Therefore, members are invited to consider whether an annex, 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 conservation area than the existing garage.

9. Impact on Amenity

- 9.1 Given the nature of the intended use it is not considered that an adverse impact to neighbours would be experienced. No new windows are proposed,

which would intrude upon the privacy of neighbouring properties. The location of the building is over 20 metres away from the nearest residential property at No. 4 and is shielded by the garage of No. 4. It is considered that noise from the proposed one bedroom annex is unlikely to be significantly higher than the existing ambient noise level in this residential area. 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.

- 9.2 As noted above, it is considered that the relationship between the proposed annex and the main dwelling in terms of interlocking between the two buildings would be unacceptable in terms of the amenity of the occupiers if the annex was an independent dwelling. However, as the annex would be ancillary to the main dwelling, this degree of interlocking is considered to be acceptable.

10. Highway/Parking issues

- 10.1 The conversion of the garage would result in the loss of two car parking spaces. Two car parking spaces would remain, which would still meet Havering's parking requirements. The Highway Authority has no objection to the proposal. Therefore the proposal raises no highways or parking issues.

11. Conclusion

- 11.1 It is considered that the principle of the conversion of the existing garage to an annex to the main house would be acceptable, subject to conditions and a Section 106 Agreement, restricting the occupation of the annex to family members and ensuring that the annex is never let or sold separately from the main dwelling. As the proposal would not require external alterations, additional means of enclosure or additional hardstanding, it is considered that the proposal would preserve the appearance of the conservation area.
- 11.2 Staff consider 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 as described above.

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 17th July 2012