



REGULATORY SERVICES COMMITTEE

13 September 2012

REPORT

Subject Heading:

**P0601.12 – 57 Nelmes Crescent,
Hornchurch**

**Conversion of detached garage into an
annex**

(Application received 9th May 2012)

Report Author and contact details:

**Helen Oakerbee, 01708 432800
helen.oakerbee@havering.gov.uk**

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.

The applicant has agreed to execute a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 which will 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 it is therefore recommended that planning permission is granted subject to the execution of a Unilateral Undertaking and conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Unilateral Undertaking 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 57 Nelmes Crescent, Horcnhurch;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising 57 Nelmes Crescent, Horcnhurch;
- The owners / developers as appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking and any applicable planning obligation monitoring fee.

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

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. 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.

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 The application property consists of a detached bungalow which is situated on the corner of Nelmes Crescent and Great Nelmes Chase. The surrounding area is characterised by a mixture of two-storey detached dwellings and detached bungalows. On-site parking is available in a double garage to the side and on the hardstanding to the front of the property. The ground is relatively level.

2. Description of Proposal

- 2.1 The application is to convert the double garage into a one bedroom annexe, for the use of an elderly family member. The annex would comprise of a bedroom, bathroom, living room, kitchen and utility room. The floor area would be around 38.4 square metres.
- 2.2 To facilitate the conversion the garage doors would be removed and a front door and two new casement windows would be inserted into the front elevation. A new link would be inserted between the kitchen of the main dwelling and the utility room of the annex, linking the annex to the main house.
- 2.3 The annexe would share the parking and amenity space belonging to the main house.

3. Relevant History

- 3.1 D0123.11 – Certificate of lawfulness to convert existing garage to a granny annexe – Planning Permission Required

4. Consultations/Representations

- 4.1 Notification letters were sent to 13 neighbouring properties and no letters of objection were received.
- 4.2 The Council's Highways Authority has no objection.

5. Relevant Policies

- 5.1 Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are CP17, DC4, DC33, DC55 and DC61.

- 5.2 London Plan 2011 Policy 3.4, Optimising Housing Potential.
- 5.3 NPPF Section 6 “Delivering a wide Choice of Homes” and Section 7 “Requiring Good Design”.

6. Staff Comments

- 6.1 Staff originally raised concerns regarding the lack of connectivity of the annex to the main dwelling and the perception that it could be utilised as a separate unit in its own right. The applicant has agreed to provide connectivity between the proposed annex and the main dwelling and also agreed to enter into a Unilateral Undertaking which prevents the annex to be used as a separate unit of accommodation. Based on these measures Staff consider the proposal to convert the garage to an annex acceptable in principle.

7. Design/Impact on Street/Garden Scene

- 7.1 Policy DC61 of the Development Plan Document seeks to ensure that new developments/alterations are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments/alterations should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 7.2 The conversion of the garage would involve the removal of the existing garage doors and building in new casement windows, block work and rendered panels. The proposal would also include a 'new link' lobby which will provide a linkage from the kitchen of the existing dwelling to the utility room of the proposed annex. The proposals would result in minor changes to the front elevation and would therefore not have a harmful impact on the streetscene.

8. Impact on Amenity

- 8.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 8.2 The proposal would not involve any additions other than the linkage between the existing dwelling and the annex. The garage would be converted to an annex, Staff therefore do not consider the proposal to have a harmful impact to neighbouring occupiers in terms of loss of light or overlooking. No flank windows are proposed.

8.3 The existing garage abuts a neighbouring garage. Any additional activity and noise as a result of the conversion to living accommodation would therefore not have an impact on neighbouring amenity.

9. Highway/Parking issues

9.1 A hardstanding to the front of the property allows for the on-site parking of at least 2 vehicles. The loss of the garage spaces would therefore not result in a shortfall of parking spaces. It is considered unlikely that any significant additional demand for car parking would arise over and above that which presently exists on the site. It is thus considered that sufficient parking space is provided and that the proposed arrangement would not lead to an additional impact to Nelmes Crescent.

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 the proposal to be of such a design and layout that it is considered acceptable in the surrounding area. 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 Unilateral Undertaking 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 in the consideration of the Unilateral Undertaking.

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 9th May 2012