

 Havering LONDON BOROUGH	Planning Committee 26 August 2021
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Application Reference: P0866.21

Location: 109A Front Lane
Upminster
RM14 1XN

Ward: Cranham

Description: Proposed ancillary annex to rear of existing dwelling.

Case Officer: Jessica Denison

Reason for Report to Committee:

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

1 UPDATED DESCRIPTION OF DEVELOPMENT

- 1.1. It is noted that the submitted application form described the proposed development as: *'Proposed new studio unit at the top of the rear garden'*
- 1.2. When the application was validated the description of development was entered as: *'Single storey, 1-bed detached dwelling to rear of existing'*.
- 1.3. However following conversations to confirm the intended use of the proposed development with the agent and applicant this was updated to instead state: *'Proposed ancillary annex to rear of existing dwelling'*

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1. The application proposes the construction of a new single-storey annex within the rear garden area of the existing dwelling at No. 109A Front Lane in Upminster.
- 2.2. The proposal is not opposed in principle by any policies of the development plan, and the design is not considered to result in severe harm to the street scene, neighbouring residential amenity or other matters that could not be reasonably overcome by way of conditions and would warrant refusal of the application.
- 2.3. It is not considered that the Council could reasonably defend an appeal against a refusal of the scheme due to the limited harm that the proposal would have

on local character or residential amenity, and therefore the proposed development is acceptable subject to the suggested conditions.

3 RECOMMENDATION

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

Conditions

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

2) Accordance with plans: 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) Materials: The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 14 of the application form unless otherwise agreed in writing by the Local Planning Authority.

4) Landscaping: No works shall take place in relation to any of the development hereby approved 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.

5) Subdivision and access restriction: The garden area shall not be subdivided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

6) Occupation restriction: Any residential occupation of the building hereby approved shall be limited to immediate family members of the family occupying the main house at 109A Front Lane Upminster for residential purposes and shall not be occupied by any other persons.

7) Use restriction: The outbuilding hereby permitted shall not be arranged or disposed of as a separate unit of residential accommodation from the use of the main dwelling.

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The application is seeking planning permission for:
Proposed ancillary annex to rear of existing dwelling.

Site and Surroundings

- 4.2. The subject site is located on the western side of Front Lane, is rectangular in shape and covers an area of 360 square metres.
- 4.3. The site is occupied by an existing two-storey dwelling which forms part of a semi-detached pair with a hard-stand area to the east (front) and private open space afforded to the west (rear).
- 4.4. The surrounding area is generally characterised by 1-2 storey residential properties of varying architectural styles, many with ancillary developments within rear garden spaces.
- 4.5. The site has no tree preservation orders or significant constraints.

Planning History

- 4.6. The site has not been subject to any recent planning applications.

5 CONSULTATION RESPONSE

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

LB Havering Street Management (Highways)

- 5.3. No comments were received.

LB Havering Waste and Recycling

- 5.4. No objections were raised to the scheme.
- 5.5. "Waste and recycling sacks will need to be presented by 7am on the boundary of the property, on the scheduled collection day."

6 LOCAL REPRESENTATION

- 6.1. A total of 4 properties were notified of the application and invited to comment.
- 6.2. No submissions were received.
- 6.3. The following Councillors made representations:

- The proposal was called in by Councillors Gillian Ford and Linda Van den Hende to be determined at a planning committee meeting on the following grounds:
 - Consideration needs to be given to the loss of trees;
 - Consideration as to the external amenity provision; currently this would be shared;
 - Consideration needs to be given to the amount of parking spaces;
 - Clarity required on the access to the development; would this be via the existing property;
 - Due to the width of the garden, the proposed development maybe imposing and could be considered as overdevelopment.

7 MATERIAL PLANNING CONSIDERATIONS

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

- Site layout and amenity provision
- Built Form, Design and Street Scene Implications
- Impact on Neighbouring Amenity
- Car Parking and Highways
- Potential loss of trees

Site Layout and amenity provision

7.2. The London Plan 2021 sets out at Table 3.2 Qualitative design aspects to be addressed in housing developments including 'Layout, orientation and form', 'Outside space' and 'Usability and ongoing maintenance'.

7.3. The Residential Extensions and Alterations SPD states, with regards to annexes and dependent relatives accommodation, the following points of relevance:

An extension of the house or conversion of an outbuilding may provide an opportunity to accommodate dependent relatives whilst allowing them some degree of independence. A residential annex is defined as accommodation ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The annex must form part of the same planning unit, sharing facilities, including access, parking and garden areas. The Council will attach conditions to prevent the annex becoming a self-contained dwelling.

The layout, design and physical relationship between the house and the proposed annex are important considerations, and the proposed annex must demonstrate clear connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. As a guide, the scale should be such that the annex could be used as a part of the main dwelling once the dependency need has ceased.

- 7.4. The proposed annex would be located at the rear of the property, sharing the amenity space with the existing dwelling. This arrangement is generally consistent with the pattern in the local area and would remain of a useable size for both buildings with approximately 170 square metres of garden between.
- 7.5. The new annex would feature an open plan studio arrangement which would comprise a kitchen, dining, living area and double bedroom, with a separate shower room across 38 square metres. It would also be provided with a small 4 square metre private paved area to the rear.
- 7.6. Overall it is considered that the site layout is well positioned and the level of density is appropriate to ensure adequate internal space for future occupiers as well as useable amenity space to both the main dwelling and proposed new annex.

Built Form, Design and Street Scene Implications

- 7.9 The proposed development would be acceptable on design grounds and when assessed against the Havering Core Strategy (HCS) Policy DC61, which requires new developments to be satisfactorily located and of a high standard of design and layout, which are compatible with the character of the surrounding area and do not prejudice the environment of the occupiers or adjacent properties.
- 7.10 The annex has been designed to be subordinate in scale to the main dwelling with the external appearance consistent in terms of materials to the main dwelling.
- 7.7. The annex would be a single storey building measuring 7.50m (length) x 6.13m (width) x 3.0m (height). The proposal has no impact on the street scene as it is located at the rear of the property, behind the dwelling, over 50 metres from Front Lane. To the rear of the dwelling the surrounding area is characterised by a mixture of outbuildings of various scale and design. The proposed scale, height and bulk of the annex is not considered to harm the existing garden environment or to be excessively dominant or out of character.
- 7.8. In summary, the proposal is considered to be compliant with the objectives of policy DC61 of the HCS and is not considered to represent an overdevelopment of the site and reasonably integrates with local character.

Impact on Neighbouring Amenity

- 7.9. The proposed development is not considered to result in adverse amenity impacts to neighbouring properties with respect to overlooking, overshadowing, loss of daylight, building bulk, sense of enclosure or impacts on outlook.
- 7.10. To the north (side) elevation is No. 111 Front Lane and to the south (side) is No. 109 Front Lane. The proposed annex would be built up against these

shared boundaries for a length of 7.50 metres, projecting 1.20 metres above the existing boundary fences. There would be no windows on these elevations.

- 7.11. To the west (rear) elevation is the rear garden areas of No. 3 and 5 Blenheim Close. Both of these properties feature outbuildings within the rear garden areas with the dwellings provided with a separation distance of at least 16 metres from the proposed annex. The annex would feature a door and one window on this elevation.
- 7.12. The east (front) elevation would face into the rear garden area. The annex would feature a door and two windows on this elevation.
- 7.13. Given its single storey nature, the ground floor positioning of windows, and the separation distance from neighbouring buildings, the proposed annex is not considered to have any adverse impacts on neighbouring properties through overlooking or overshadowing.
- 7.14. Regarding the proposed use as habitable space, it is considered that there would be comings and goings to the annex but no more so than for the main dwelling. The expected level of occupancy by the applicant suggests a level of activity that would not present any immediate amenity concerns. As such, the use as a residential annex would not give rise to an unacceptable level of noise and disturbance to neighbouring occupiers.
- 7.15. Consequently, the proposed development would comply with HCS policy DC61 and the NPPF with respect to neighbouring amenity.

Highways and Car Parking

- 7.16. The Public Transport Accessibility Level (PTAL) of the site is 1b (poor).
- 7.17. Table 10.3 of The London Plan (2021) notes that the maximum parking provision for a 3+ bedroom property with a PTAL score of 0-1 is 'up to 1.5 spaces per dwelling'.
- 7.18. The proposal does not include any changes to the existing access and parking arrangements on site. As such, the site would retain two spaces in front of the donor dwelling.
- 7.19. Given the intended use of the annex as an ancillary structure, and the policy contained within the London Plan regarding maximum parking standards, it is considered that the amount of parking spaces is appropriate and a lack of parking could not be a justifiable reason for refusal. The proposal would meet the objectives of Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.
- 7.20. Details of refuse and cycle storage in line with LDF standards has not been shown. It is considered that there is space within the rear garden area of the site which could accommodate the requirements of the annex, and the existing waste arrangements of the dwelling could be utilised.

Trees

- 7.21. The development as proposed could potentially see the loss of 1-2 small trees in the rear garden, however staff note that none are protected by a tree

protection order (TPO). Moreover, the remaining trees would be located in the central rear garden area and to some degree these would screen the proposed building.

- 7.22. Subject to a detailed layout and landscaping plan for the site, it is not considered that the proposal would be detrimental to the rear garden scene.

Conclusions

- 7.23. The proposed development is deemed to be acceptable with respect to impacts on the street scene, garden scene, neighbouring amenity, the amenity of future occupiers and highway and parking considerations, and broadly in line with relevant planning policy, as outlined throughout the report.
- 7.24. 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.
- 7.25. 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).