



Application Reference:	P0492.21
Location:	12 Berkeley Close, Hornchurch
Ward:	Cranham
Description:	Erection of a 3-bed detached dwelling with associated parking and amenity space and alterations to existing dropped kerb
Case Officer:	Jessica Denison
Reason for Report to Committee:	<ul style="list-style-type: none">• 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 proposes the demolition of the existing detached garage and the construction of a new 2-storey, 3-bedroom dwelling to the eastern side of the existing dwelling.
- 1.2. The proposed scale and design of development has been reduced and revised following recent refusals for applications P1714.20 and P0677.20.
- 1.3. 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.
- 1.4. 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.

2 RECOMMENDATION

- 2.1. 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) Site Layout: All buildings must be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. Existing railway infrastructures should not be loaded with additional surcharge from the proposed development unless the agreement is reached with Network Rail. Stability of the ground / embankment adjacent to the railway should not be loaded with increased surcharge to mitigate the risk of instability of the ground which can cause the settlement on Network Rail infrastructure.

5) Drainage: Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

6) Scaffolding, Plants & Materials: Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor

must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

7) Vegetation: The developer shall ensure that no vegetation encroaches onto Network Rail's retained land. No trees or climbing shrubs shall be planted on the area such that they could create a nuisance through falling leaves or penetration of roots or provide a means of gaining access to the railway. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Network Rail recommended species should only be used alongside the railways which are:

Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Permitted: Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

8) Fencing: In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

9) Car parking: Before the building hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

10) 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.

11) Boundary treatment: Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

12) Visibility splay: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

13) PD rights restriction: 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 dwellinghouse hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

13) Obscure glazing: The proposed window on the side elevation facing No. 12 shall be permanently glazed with obscure glass not less than LEVEL 3 on the standard scale of obscurity and shall thereafter be maintained.

14) Flank windows: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank walls of the building 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.

15) Construction Method Statement: No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) location and time of deliveries;
- c) complaint investigation procedures;

And the development shall be carried out in accordance with the approved scheme and statement.

16) Emissions: Prior to the first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable Nox abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boilers shall be carried out in strict accordance with the agreed details and shall thereafter be permanently retained. Following installation emissions certificates will need to be provided to the Local Planning Authority to verify boiler emissions.

17) Land contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included

showing all the potential pollutant linkages and an assessment of risk to identified receptors.

- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

18) Contamination:

- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

19) Noise: (purpose built houses)

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

20) Prior to the commencement of any development, an assessment shall be undertaken of the impact of:

- a) railways noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995)
- b) vibration from the use of the railway lines

Upon the site. Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to and approved in writing by the Local Planning Authority, implemented prior to occupancy taking place.

21) Hours of construction: 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.

22) Accessibility: All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

23) Water Efficiency: All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

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 2018, improvements required to make the proposal acceptable were negotiated with the agent via email in May 2021. The revisions involved increasing the proposed dwellings setback from the front to better align with the donor dwelling as well as including dimensions for the car parking spaces. The amendments were subsequently submitted on 12 May 2021.
- 2) The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The Mayoral CIL levy rate for Havering is £25/m² and is chargeable for each additional square metre of residential gross internal [floor] (GIA). Based upon the information supplied with the application, £1,300 would be payable due to result in a new residential property with

86m² of net additional GIA, however this may be adjusted subject to indexation.

The proposal is also liable for Havering Council's CIL. Havering's CIL charging rate for residential is £125m² (Zone A) for each additional square metre of GIA. Based upon the information supplied with the application, £6,500 would be payable, subject to indexation.

These charges are levied under s.206 of the Planning Act 2008. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website. You are also advised to visit the planning portal website where you can download the appropriate document templates at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whatto-submit/cil>

- 3) Changes to the public highway (including permanent or temporary access)
 - The developer is notified that they must enter into a Section 278 (s278) Highways agreement prior to commencing civil work on the Highways.
 - Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

- The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

- The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence from the Council. If the developer required scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

Surface water management

- The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

- 4) Before occupation of the residential dwelling hereby approved, it is a requirement to have the property officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1. The application is seeking planning permission for:

Erection of a 3-bed detached dwelling with associated parking and amenity space and alterations to existing dropped kerb.

Site and Surroundings

- 3.2. The subject site is an irregular shaped corner site, covering an area of 314sqm, located at the end of Berkeley Close on the southern side where it backs onto the railway embankment.
- 3.3. The site is occupied by an existing two-storey 3-bedroom dwelling forms part of a semi-detached pair with private open space afforded to the east (side) and south (rear).
- 3.4. Vehicle access is provided via two separate crossovers, one leading to a paved at-grade parking area immediately in front of the dwelling providing space for

2 cars and the other leading to a separate detached single garage in the south-eastern corner.

- 3.5. The topography of the site is characterised by a gradual incline in from west to east along Berkeley Close.
- 3.6. The street scene along Berkeley Close is generally characterised by a pattern of two storey semi-detached dwellings (with one detached dwelling at No. 98 Berkeley Drive) featuring gable end roofs and front hard stand car parking or garages.
- 3.7. The site has no tree preservation orders or significant constraints.

Planning History

- 3.8. P1714.20 was refused on 23 February 2021. It had sought:
Two storey, 2-bed detached dwelling for use as 2x1-bed self contained flats, with associated parking and amenity space, involving demolition of existing detached garage.
- 3.9. The reasons for refusal were:
 - 1) The proposed development would, by reason of its height, bulk, mass and design in this prominent location, combined with its proximity to the boundaries of the site, 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 proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
 - 3) The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.
- 3.10. P0677.20 was refused on 21 July 2020. It had sought:
Proposed demolition of existing detached garage and segregation of existing residential site to create purpose built maisonette with 2No. 1 bedroom properties.
- 3.11. The reasons for refusal were:
 - 1) The proposed development would, by reason of its height, bulk, mass and design in this prominent location, combined with its proximity to the boundary of the site, 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 proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.
- 3) The proposal fails to make safe and convenient access to external amenity space for the occupier of the proposed first floor unit, which would give rise to a poor quality living environment for future occupiers of the proposed development, contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

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:

Network Rail

- 4.3. No objection subject to complying with requirements (relating to Site Layout, Drainage, Scaffolding, Plants & Materials, Vegetation and Fencing) to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Anglian Water Authority

- 4.4. No objections were raised to the scheme.
- 4.5. "The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in the site layout. They can do this by accessing out infrastructure maps on Digdat. Please see our website for further information: <https://www.anglianwater.co.uk/development-services/locating-our-assets/>
- 4.6. "Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information: <https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

Northumbrian Water Limited

- 4.7. No objections were raised to the scheme.
- 4.8. "Our records show, that we do not have any apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection for the new dwellings is made onto our Company network for revenue purposes."

LB Havering Street Management (Highways)

- 4.9. No comments were received.

LB Havering Waste and Recycling

- 4.10. No objections were raised to the scheme.
- 4.11. “Waste and recycling sacks will need to be presented by 7am on the boundary of the property, facing Berkeley Close on the scheduled collection day.”

LB Havering Environmental Health

- 4.12. No objections subject to conditions relating to Low Emission Boilers, Contaminated Land, Sound Insulation and Railway Noise.

5 LOCAL REPRESENTATION

5.1. A total of 18 properties were notified of the application and invited to comment.

5.2. The consultation attracted a total of 2 objections explored further in the following sections of this report.

5.3. 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:
 - There are no detached properties in close proximity or indeed in the close, making this out of character with the street scene
 - There is insufficient depth in parking space to the front of the property, resulting in parked vehicles overhanging the public footway;
 - The property will over shadow number 19 Berkeley Close.

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. The comments are summarised below:

- Out-of-character
- Overlooking
- Overdevelopment of site
- Amenity concerns for future occupiers
- Parking and access issues
- Increase in traffic
- Impact of construction

- 5.6. 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 points above are indicated in the report, and precedes the relevant heading or paragraph.
- 5.7. 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.
- 5.8. Whilst not a material planning consideration, a standard condition is recommended to control the hours of construction and limit the impact of construction. A construction methodology statement is also recommended to manage car parking, delivery times and complaints procedures during construction.

6 MATERIAL PLANNING CONSIDERATIONS

- 6.1. The main planning issues raised by the application that the committee must consider are:
- Site layout
 - Built Form, Design and Street Scene Implications
 - Impact on Neighbouring Amenity
 - Car Parking and Highways

Principle of Development

- 6.2. The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres. Residential development in the form of a new dwelling would therefore be suitable according to DC61 of the DPD and not be unacceptable in land use terms.
- 6.3. On 19 January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The results show that within the London Borough of Havering 36% of the number of homes required were delivered over the period from 2017-18 to 2019-2020. As a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of the NPPF is relevant.
- 6.4. The NPPF does offer support for new housing in sustainable locations that represents an efficient use of land. Paragraphs 124-131 of the NPPF is also relevant, which among other things seek to achieve well-designed places that are sympathetic to local character and provide adequate amenity for neighbours and future occupants. Consequently, any proposed development would need to meet these objectives of the NPPF and other relevant planning policies in order to benefit from the presumption in favour of sustainable development.

6.5. The provision of additional housing is consistent with the NPPF and CP1 of the Havering Core Strategy as the application site is within a sustainable location in an established urban area with no significant constraints to the site and therefore the proposal is acceptable in principle in land use terms. Notwithstanding, the acceptability of the proposal is subject to a detailed assessment of the impacts of the proposal.

Site Layout

- 6.6. 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'.
- 6.7. Havering's Residential Design Supplementary Planning Document (SPD) builds on this, by seeking to improve the quality of new residential schemes by providing clear design guidance and providing further detail on the implementation of Core Policy CP17 (Design) and Development Control Policies DC2 (Housing Mix and Density), DC3 (Housing Design and Layout) and DC61 (Urban Design).
- 6.8. The SPD notes that the design of new residential development should relate to its setting, ensuring new layouts respond to the size and structure of blocks in the surrounding area. The SPD also states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. It is noted that in situations where development is facilitated by the subdivision of a plot an acceptable arrangement should be retained for donor dwellings. Amenity space should also be generally consistent with local character.
- 6.9. The proposed subdivision will see the donor site reduced from 314sqm to 139sqm, with the new site having an overall area of 175sqm. The donor dwelling would be left with 44sqm of private amenity space to the rear, with the new dwelling shown to have 56sqm. The proposed amenity spaces are generally consistent with the pattern in the local area by backing onto the railway line, and would be of a useable size.
- 6.10. The new dwelling would feature a lounge, open plan kitchen toilet at ground floor across 43sqm, with 3 bedrooms (1 x double, 2 x single) and a bathroom at first floor across 43sqm, creating a gross internal area of 86sqm. The density of the proposed new dwelling would meet the 'Minimum internal space standards for new dwellings' as set out in Table 3.1 of the London Plan 2021 which requires a 2-storey, 3-bedroom, 4-person dwelling to provide 84sqm.
- 6.11. 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 donor and proposed new dwelling.

Design and Street Scene Implications

- 6.12. The proposed development would be acceptable on design grounds and when assessed against the Havering Core Strategy (HCS) Policy DC 61, 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.
- 6.13. The visual impacts of the development have been lessened from the previous submission (under P1714.20) by reducing the width of the building from 7.0m to 6.40m, and making the detached building appear almost as an extension of the donor site by nature of the proposal being built against the western boundary, and only providing a 1.0m gap between the buildings.
- 6.14. The layout has also been revised from the previous application, so that new dwelling would be aligned with the height and both the front and rear building lines of the donor dwelling at No. 12 Berkeley Close, thereby following the layout pattern of development found within the streetscene. Furthermore, the new dwelling is proposed to be finished in a white painted render with a tiled roof which would fit with the existing dwelling.
- 6.15. Whilst it is recognised that Berkeley Close is primarily characterised by semi-detached pairs and terraced rows, staff note that there is an existing detached garage in this location as well as an existing detached dwelling at No. 98 Berkeley Drive located 50m west of the site. Therefore, the detached nature of the dwelling in itself is not considered a reason for refusal.
- 6.16. 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

- 6.17. 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.
- 6.18. Given the sites lack of sensitive interfaces being cornered between the end of Berkeley Close and backing onto a railway embankment, there are no external overlooking, overshadowing or privacy concerns to the north, east or south. Although concerns have been raised about impacts on the properties opposite the site, the separation distance of approximately 18m, across a public highway, is considered enough to avoid any detriment in this direction.
- 6.19. The proposed new dwelling is proposed to be built up against the western boundary for a length of 7.90m, with a maximum height of 6.50m (ridge) and one first floor flank window (obscure glazed) to serve the new staircase. The donor dwelling at No. 12 would have a 1.0m setback from the

new shared boundary which given the closeness of the new build, would have an impact regarding some loss of light to their existing flank windows. Given none of these rooms rely on only those flank windows however, the impact is considered acceptable in this case. The orientation of the plot is such that the majority of any overlooking will be contained within the proposed new rear garden areas and not impact habitable room windows to neighbouring dwellings.

6.20. In light of the above the proposal is not considered to have an unreasonable impact on neighbouring amenity with respect to impacts on outlook and sense of enclosure that would warrant refusal of the application.

6.21. Consequently, the proposed development would comply with HCS policy DC61 and the NPPF with respect to neighbouring amenity.

Highways and Car Parking

6.22. The Public Transport Accessibility Level (PTAL) of the site is unclear as it appears to sit between a rating of 0 (worst) and 4 (good). Staff consider given the location of Upminster Railway Station less than 500 metres east, and a short walk along the footpath at the end of the close to the station and town centre the site has relatively good access to public transport and local services.

6.23. 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 is 'up to 1.5 spaces per dwelling' and with a PTAL score of 4 is 'up to 0.5-0.75 spaces per dwelling'.

6.24. The proposal shows the retention of two spaces in front of the donor dwelling, as well as two new spaces to the side of the proposed dwelling. The proposed new spaces both meet the minimum size which is 2.4m x 4.8m, however one of the existing spaces falls just short. Based on site photos and aerial imagery, the existing dwelling at No. 12 is capable of fitting 2 vehicles within the at-grade area in front, noting that most of the other neighbouring existing houses along Berkeley Close also have shallow parking areas to the front of their properties.

6.25. Given the policy contained within the London Plan regarding maximum parking standards, it is considered that a shortfall in parking provision could not be a justifiable reason for refusal and the proposal would meet the objectives of Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.

6.26. Details of refuse and cycle storage in line with LDF standards have been shown in the rear garden area of the site to the east of the proposed dwelling and are considered suitable.

Financial and Other Mitigation

6.27. As the proposal is for a new dwelling, it would be liable for Mayoral and Havering CIL.

6.28. The garage proposed to be demolished as part of this application has an area of 34sqm. The new dwelling would have a gross internal floor area (GIA)

of 86 square metres. The net additional gross area is therefore $86 - 34 = 52\text{sqm}$.

- 6.29. Mayoral CIL is calculated at a rate of £25/sqm, resulting in liability of £1,300.
- 6.30. Havering CIL is calculated at a rate of £125/sqm, resulting in a liability of £6,500.
- 6.31. Both CIL payments would be subject to indexation.

Conclusions

- 6.32. The proposed development is deemed to be acceptable with respect to impacts on the street 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.
- 6.33. 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.
- 6.34. 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).