



Havering
LONDON BOROUGH

Planning Committee

10th February 2022

Application Reference:	P1549.21
Location:	41 Parkland Avenue, Upminster
Ward	Upminster
Description:	Proposed single storey side/rear extension with screen fence and retention of raised patio/steps and detached gazebo.
Case Officer:	Aidan Hughes
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 single storey side/rear extension would be acceptable and relate acceptably to the existing dwelling and not have an unacceptable impact on the rear garden environment. In addition, no objections are raised to the screen fence and the retention of raised patio/steps and detached gazebo.
- 1.2 Furthermore, the scale and siting of the single storey side/rear extension is not judged to result in material harm to neighbouring amenity. No material amenity issues or parking and highway issues are considered to result.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to:
- 2.2 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. SC04 – Time limit
2. SC10 – Matching materials
3. SC13 – Screen Fencing
4. SC32 – Accordance with plans.
5. SC46 - Standard Flank Window Condition.
6. SC48 – Balcony condition

Informatives

1. Land Ownership
2. Party Wall Act.
3. INF29 Approval following revision

3 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 3.1 The application site is located within Parkland Avenue. The site contains a two storey semi-detached dwelling and is finished in painted render and face brick.
- 3.2 There is parking on the drive to the front of the property. The surrounding area is characterised by predominately two storey dwellings.
- 3.3 The application site and the unattached neighbour are separated by the side access of No.43 Parkland Avenue.

Proposal

- 3.4 Planning permission is sought for a single storey side/rear extension with screen fence and retention of raised patio/steps and detached gazebo. The side extension would include an increase in height to the rear of the existing garage with an infill side/rear extension adjacent to No.43 Parkland Avenue.

Planning History

- 3.5 The following planning decisions are relevant to the application:

P1706.16 - Single storey side/rear and first floor side extension with garage conversion & front porch.

Refused on grounds of Impact on Street scene and loss of amenity.
Appeal dismissed on Impact on Street scene and loss of amenity.

D0218.17 – Certificate of Lawfulness for single storey rear extension

Planning Permission not required.

P0288.20 - First floor side extension and part single storey side extension.
Refused on grounds of Impact on Street scene.
Appeal dismissed on Impact on Street scene.

P0392.21 -Part first floor and part single storey side extensions and single storey rear infill extension.

Refused on grounds of Impact on Street scene and unbalancing effect.

4 CONSULTATION RESPONSE

4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

4.2 Consultation of Statutory Consultees were not required.

5 LOCAL REPRESENTATION

5.1 A total of 9 neighbouring properties were notified about the application and invited to comment.

5.2 The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 3 of which, 3 objected.

5.3 The following Councillor made representations:

Councillor Ron Ower wishes to call the application in on the grounds that:

The proposed single storey rear extension with the inclusion of a raised patio would by virtue of the excessive height be unneighbourly which would give rise to an uncomfortable and overbearing effect resulting in an increased sense of overlooking, loss of privacy and be harmful to neighbouring properties.

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

- Enclosure of characteristic gap and tunnelling effect from proposal.
- Proposal would be dominant and overbearing.
- Loss of Privacy and light from the proposal.
- Height of rear extension at 3.75m exceeds 3m guidance.
- 3 previous applications were refused, current proposal disregards guidance.
- Proposal is being built up to the boundary.
- Patio level vary with neighbouring properties.

Non-material representations

5.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Query regarding building regulations and foundations.

OFFICER COMMENT: Issues regarding building control matters are not a material planning consideration.

Procedural issues

5.6 The following procedural issues were raised in representations, and are addressed below:

- Issues regarding patio and height of extension and fencing.

OFFICER COMMENT: Officer visited site and discovered gazebo and patio has been added. Following discussions with agent and applicant, this was included in this application and neighbours were re-notified.

6 MATERIAL PLANNING CONSIDERATIONS

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

- The visual impact arising from the design and appearance of the building on the area.
- The impact of the development on neighbouring amenity
- Highways and parking issues

6.2 Visual impact arising from the design/appearance on the area.

- The Council Residential Extensions and Alterations SPD refers to single storey side and rear extension.
- There are a number of ground floor side and rear extensions within the surrounding area.
- The gazebo and extended patio would only be visible from the rear garden environment.
- It is considered that the proposed single storey side/rear extension would integrate satisfactorily with the existing dwelling. The side extension would be screened by the existing dummy pitched roof of the garage and it is considered that this part of the proposal would not impact on the street scene. The removal of the first floor side extension from this re-submitted scheme would provide space between the application dwelling and the detached neighbour at No.43 Parkland Avenue and therefore addressing the previous concerns raised within the previous refused applications and appeals.
- The proposed single storey rear extension, gazebo and patio would be visible from the rear garden environment. It is noted that the proposed rear extension would be constructed to the side of the existing ground floor rear extension, constructed under permitted development. The proposed side extension with the increase in height of the existing garage would be screened by the proposed ground floor rear extension.

- As a result, it is considered that the proposed development would not unacceptably impact on the street scene or the rear garden environment and no objections are raised from a visual point of view.

6.3 The impact of the development on neighbouring amenity

- The single storey side/rear extension would be located on the south west side of the dwelling. It is not envisaged that this part of the proposal would have any impact on the amenity of the attached neighbour at No.39 Parkland Avenue as they are located to the north east and the proposal would be located on the opposite side of the dwelling and be screened by the existing ground floor pitched roof rear extension. It is considered the proposal would not impact on the amenity of the residents at No.39 Parkland Avenue.
- The residents at No.43 Parkland Avenue are the neighbours that would be most affected by the proposed development. The side access at No.43 would separate the neighbouring dwelling from the proposed development, as the proposal would be constructed up to the boundary fence.
- The height of the flat roof to the rear of the existing dummy pitched roof proposal would be approximately 3.7m high and this would increase in height further back into the garden due to the drop in ground level from the front of the dwelling to the rear garden.
- It is noted that No.43 has three openings on the side of their property facing the application site. Two at ground floor level in the form of a door to the garage and a window in the middle to a W.C, both of these openings serve non-habitable areas and therefore less weight would be applied to the impact on these openings. The first floor en-suite flank window would serve an non-habitable area.
- The depth of the ground floor rear extension adjacent to No.43 would mimic the depth of the existing pitched roof rear extension which is 3m. This depth is less than the 4m normally permissible under current Council guidelines within the Residential Extensions and Alterations SPD.
- It is acknowledged that the height of the rear extension would be more than 3m, so the Council will need to consider if the height above 3m would unacceptably impact on the amenity of the adjacent neighbours.
- Firstly, it is noted that the neighbouring dwelling at No.43 has a pitched roof single storey extension to the rear of their dwelling which was approved as part of planning application P0075.20. This rear extension has a depth of approximately 1.85m deep with a pitched roof that has an eaves line of approximately 2.8m rising to an overall height of approximately 3.65m.
- The proposed ground floor rear extension within the application site would project approximately 0.7m beyond the rear wall of No.43's ground floor rear extension as shown on the submitted plan. An overall projection

beyond No.43's extension of approximately 0.7m is not unusual and is envisaged within guidelines as acceptable when considering the impact of a 4m deep extension on the boundary with a neighbour that has not previously extended.

- The overall height when measured at the rear elevation of the neighbouring rear extension at No.43 would be approximately 3.65m. It is considered that it would be difficult to demonstrate the harm arising from an extension that only projects approximately 0.7m beyond the neighbouring rear extension and the fore mentioned heights which have been taken from the ground level.
- Further, it is considered that it would be difficult to substantiate a refusal on appeal, mindful of the mitigation from the neighbouring rear extension at No.43 and the limited projection beyond this extension's extension. Whilst the extension would be visible from the neighbour at no.43 and built form would be brought closer, the extension due to its single storey nature and limited projection would not be over dominant or affect daylight/sunlight to a significant degree.
- The gazebo would not unacceptably impact on the amenity of the adjacent neighbours, mindful of the separation distance between the gazebo and the boundary on either side.
- Concerns were raised regarding the decking during the representations and a variance of 20cm in patio level excluding the steps between No.41 and No.43 with No.43 being at a lower level. The agent provided a revised plan show that a screen panel would be erected adjacent to No.43 Parkland Avenue on the steps to the lower patio. This would ensure that privacy between the properties is maintained.

6.4 **Parking and Highway Implications**

The application site presently has ample off street parking to the front of the property. No highway or parking issues would arise a result of the proposal.

Environmental and Climate Change Implications

- 6.5 Given the limited scale of the proposals, no specific measures to address climate change are required to be secured in this case.

Financial and Other Mitigation

- 6.6 The proposal would not attract Community Infrastructure Levy contributions to mitigate the impact of the development as the development would be less than 100 square metres.

Equalities

- 6.7 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

6.8 The application, in this case, raises no particular equality issues.

Conclusions

6.9 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.