



Application Reference:	P0109.22
Location:	The Bungalow, 15 Berwick Pond Close
Ward	Rainham and Wennington
Description:	Demolition of the existing bungalow and erection of 2 x 2 storey, 3B4P, semi-detached dwellings with associated parking and amenity space.
Case Officer:	Mark Heaney
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 existing bungalow and the erection of 2 x 3B4P dwellings with 4 parking spaces, rear garden amenity space and provision of refuse and recycling storage.
- 1.2 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 or the character and appearance of the surrounding area, neighbouring residential amenity or other matters that could not be reasonably overcome by way of conditions and would warrant refusal of the application.
- 1.3 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.

2 RECOMMENDATION

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

- 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) SC4 (Time limit) 3yrs
- 2) SC32 (Accordance with plans)
- 3) SC10C Materials as per application form
- 4) Hard Surface Porus/Run-off - application site
- 5) SC13 (Screen fencing) ENTER DETAILS
- 6) SC05A (Number of parking spaces) ENTER NO.
- 7) SC11 (Landscaping) (Pre Commencement Condition)
- 8) SC13B (Boundary treatment) (Pre Commencement)
- 9) PD rights restriction:
- 10) SC46 (Standard flank window condition)
- 11) SC63 (Construction Methodology) (Pre Commencement)
- 12) SC58 (Refuse and recycling)
- 13) SC44 (Noise Insulation - Dwelling) (Pre Commencement)
- 14) SC59 (Cycle Storage)
- 15) SC62 (Hours of construction)
- 16) SC86 Minor Space Standards
- 17) SC87 Water Efficiency
- 18) 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.

Informative's

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 2021, improvements required to make the proposal acceptable were negotiated with the agent via email in February 2022. The revisions involved reducing the height of the dwellings and changing the roof to a hipped roof and changing the the dwellings to be semi-detached. The amendments were subsequently submitted by email on the 18/02/2022.

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 new residential gross internal [floor] (GIA). Based upon the information supplied with the application, £1,400 would be payable due to result in two residential properties with 56m² 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 new GIA. Based upon the information supplied with the application, £7,000. 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.

4) 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.

5) 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.

6) 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.

7) Before occupation of the residential dwellings 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-andnumbering.aspx>

3 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 3.1 The application site is comprised of a single storey detached dwelling with off street parking available on a hardstanding area located to the front of the property. There is a detached garage building located on the east side of the site of which has planning permission (P1390.21) has been granted to demolish it and erect a single storey pitched roof 2 bed dwelling in its place.
- 3.2 The surrounding area is characterised by a mixture of two-storey semi-detached and terraced dwellings and single storey detached dwellings. The dwelling has a brick and render finish with timber detailing and a tiled hipped roof.
- 3.3 The application site is not located within a conservation area or located within the curtilage of a listed building.

Proposal

- 3.4 The application is seeking planning permission for:

“Demolition of existing bungalow and the erection of 2 x 3B4P dwellings with 4 parking spaces, rear garden amenity space and provision of refuse and recycling storage.”

Planning History

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

P1390.21 - Single storey, 2-bed, detached dwelling with associated parking and amenity space, following demolition of existing garage.
Approved 04-11-21 but development not yet implemented.

P2194.21 - 3 x Three storey, 3-bed, terraced dwellings with associated parking and amenity space, involving demolition of existing bungalow.

Refused on the following grounds:

1) The proposed development would, by reason of its excessive scale, bulk, height, design and cramped layout appear as an unacceptably dominant, oppressive and visually intrusive feature when viewed from nearby gardens and dwellings and be detrimental to visual amenity and to the character and appearance of the surrounding area contrary to Local Plan Policy 26.

2) The proposed layout and design of the development together with the position of the front forecourt parking and the proposed location of the refuse store would create an obstructive and cramped layout and would fail to provide safe, inclusive, accessible and fit for purpose access to the development for future residents contrary to policies 10, 23, 26, 27 and 35 of the Local Plan, policies D4, D5, D6, D11, T2 and T4 of the London Plan (2021).

3) The proposed development would have an unacceptable impact on the daylight received to No. 13 Berwick Pond Close and would result in the loss of outlook and overshadow the rear gardens of No's 12, 14 and 16 Abbey Wood Lane and result in unacceptable overlooking of No. 10 and 12 Abbey Wood Lane to the detriment of the residential amenity of neighbouring occupiers contrary to Local Plan Policy 7.

4) The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that adequate refuse and recycling provision and cycle storage could feasibly be accommodated on-site. The proposed development is therefore contrary to Local Plan policy 23 and 35 and London Plan (2021) policy T5.

5) In the absence of sufficient information it has not been demonstrated that the proposed dwellings would achieve a minimum floor to ceiling height of 2.5m for at least 75 per cent of their Gross Internal Area and would fail to provide a good standard of accommodation for future occupiers contrary to Local Plan Policy 7 and London Plan policy D6.

4 CONSULTATION RESPONSE

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

4.2 A re-consultation was undertaken on the 18/03/2022 due to revised plans being received which have reduced the height of the dwellings and changed them to being semi-detached dwellings with part hipped roofs.

4.3 The following were consulted regarding the application:

4.4 London Fire Brigade

- No objection - No additional hydrants are required.

4.5 LB Havering Street Naming and Numbering:

- No objection

4.5 Thames Water (Developer Services):

- No objection

5 LOCAL REPRESENTATION

5.1 A total of 19 neighbouring properties were notified about the application and invited to comment. A second consultation was carried out to allow residents adequate time to review an overshadowing document that was submitted on the 4th of July.

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: 15 of which objected.

5.3 The following Councillor Jackie McArdle made representations:

- Overdevelopment
- Overshadowing but with disturbance,
- Overlooking and impact on privacy
- Covenant on land

5.3 The following former Councillor David Durant made representations:

- Overdevelopment adversely impacting on parking.
- Requirement of conditions to ensure a superior design and materials.
- Implications for existing boundary wall.
- How this back-garden building will be connected to utilities.

5.4 The following former Councillor Jeffrey Tucker made representations:

- Overdevelopment and out of character
- Impact on daylight and sunlight and overshadow
- Inadequate parking provision

Representations

5.5 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

- Impact on privacy and overlooking;
- Impact on daylight and sunlight and overshadow adjoining gardens;
- Overdevelopment;
- Impact on on-street parking and access to garages;
- Noise, dust, parking impacts during construction period;

Non-material representations

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

- Water and sewage infrastructure at full capacity (These matters are controlled under building regulations)
- There is a private pathway between No. 15 and the garage block (private rights of access are a civil matter)
- Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).

6 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of Development
- Site layout
- Built Form, Design and Street Scene Implications
- Impact on Neighbouring Amenity
- Highways and Car Parking

Principle of Development

6.2. The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and planning policies and decisions should promote an effective use of land in meeting the need for homes. The London Plan notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality of accommodation and requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. The provision of additional accommodation is consistent with the NPPF, the London Plan and Local Plan Policy 3 as the application site is within a sustainable location.

6.3. Local Plan policy 10 supports residential development on garden land and backland sites subject to the development meeting parts i-v of this policy which is assessed below.

6.4. (i.) The proposals would ensure good access from Berwick Pond Close and would retain existing through routes to the side of each dwelling; (ii.) the proposals would retain and provide adequate amenity space for the new dwellings; (iii.) the proposals would not have a significant adverse impact on the amenity of new occupants and would not be harmful to the amenity of neighbouring occupiers; (iv.) the development would not prejudice the future development of neighbouring sites; (v) It would not result in significant adverse impacts on green infrastructure and biodiversity that could not be mitigated against by condition; (vi.) the site is not within the Hall Lane and Emerson Park Character Areas.

- 6.5. In summary the principle of the redevelopment of the site is considered acceptable subject to other policy considerations discussed below.

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 Local Plan policy 7 seeks to ensure that residential development should be of a high design quality that is inclusive and provides an attractive, safe and accessible living environment for new residents whilst ensuring that the amenity and quality of life of existing and future residents is not adversely impacted.
- 6.8. The proposed 3B4P dwellings would each have a (42sqm Ground Floor + 42sqm 1st Floor) GIA of 84sqm. The proposals would meet the LP minimum internal space standards of 84sqm for this type of dwelling. It is considered that the proposed layout and bedroom sizes of the new dwelling would be in accordance with the London Plan policy D6 and the house would provide an acceptable amount of space for day to day living.
- 6.9. The new dwellings would each have a rear gardens of approx. 76sqm (Plot A) and 73sqm (Plot B). The layout is considered to be of sufficient size to provide adequately for the size of the new family sized dwellings proposed. The proposed accommodation would be dual aspect, have good outlook, levels of privacy and receive acceptable daylight within and section plans demonstrate that the internal floor to ceiling heights would comply with LP Policy D6(8).
- 6.10. 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

- 6.11. The proposed development would be acceptable on design grounds and when assessed against Havering Local Plan Policy 26, which requires new developments that are informed by, respect and complement the distinctive qualities, identity, character and geographical features of the site and local area and respond to distinctive local building forms and patterns of development and respect the visual integrity and established scale, massing, rhythm of the building, frontages, group of buildings or the building line and height of the surrounding physical context.
- 6.12. Design, Scale, Bulk, Massing: The proposed scale, bulk and massing and design of the dwellings has been significantly reduced since the previous refused scheme. The previous (P2194.21) had a width of 13m, depth of 11m and a height of 8.6m. The current scheme has reduced this to having a width of 11.7m, a depth of 8.6m and a height of 6.8m. The proposed semi-detached dwellings would now be of a scale, bulk and design that would be in-keeping with surrounding dwellings and would not appear out of proportion when viewed from nearby gardens and dwellings.

- 6.13. The reduced height and scaled and hipped roofs would allow the buildings to appear visually attractive and in-keeping with the character and appearance of the area. Furthermore, a condition would ensure that there would be soft landscaping to both the front and rear of the site in order for the development to complement the character of the area.
- 6.14. Given the limited size of the plot, proximity to neighbouring properties and the size of the dwellings proposed. It is considered that a condition would restrict permitted development rights to ensure that no extensions could be built without applying for planning permission. This would ensure that the dwellings would remain subordinate within their setting and in-keeping with the character of the area.
- 6.15 Visual Amenity: There has been a significant reduction in scale, bulk, height and massing and alterations to the design of the dwellings when compared to the previous refused scheme. As such it is considered that the proposed scheme would not be harmful to the visual amenity of the area.
- 6.16 Overall, it is considered that subject to conditions the current proposals would respect and complement the distinctive qualities, identity, character and geographical features of the surrounding area.
- 6.17 Materials: The supporting information states that the external walls would be finished in brick and the roof would be finished in concrete tiles. The proposed materials would reflect the materials used within the surrounding context and no objection is raised to the proposed materials.
- 6.18. In summary, the proposal is considered to be compliant with the objectives of policy 26 of the Local Plan and is not considered to represent an overdevelopment of the site and reasonably integrates with local character.

Impact on Neighbouring Amenity

- 6.19. Local Plan Policy 7 seeks to protect the amenity of existing and future residents the Council will support developments that do not result in i) Unacceptable overlooking or loss of privacy or outlook; ii) Unacceptable loss of daylight and sunlight; and iii) Unacceptable levels of noise, vibration and disturbance.
- 6.20. Privacy and outlook: The scheme has now reduced the width and height of the proposed dwellings since the previous refused application. The current scheme now has a setback distance of 12m between the flank wall of the dwelling on plot 2 and the rear elevation wall of No. 14 Abbey Wood Lane; and a setback of 13.6m from the main rear elevation wall of No. 12 Abbey Wood Lane. There would also be a separation distance of 12m between the rear wall of the dwellings and the rear boundary fence of No. 2 Charlotte Mews to the south-west.
- 6.21. The reduction in scale and massing has improved the situation between the proposed dwellings and outlook from the rear gardens of No. 10 Abbey Wood Lane and No. 2 Charlotte Mews. There would be a separation distance of

approx. 9.6m between the rear wall of the dwellings and the side boundary fence with No. 10. Although there would be some impact on the outlook from the rear garden of No. 10. However, it is considered that this property would still receive acceptable outlook and it could not be justified to refuse the application on this aspect alone.

- 6.22. Given the orientation of the rear windows of the dwelling towards the rear boundary fence of the application site, it is not considered that there would be any unacceptable overlooking within the rear garden of No. 13.
- 6.23. Noting the separation distances and relationships outlined above, it is considered that the proposed first floor rear windows would not result in unacceptable overlooking of surrounding gardens that would warrant a refusal of the application.
- 6.24. The nearest residential windows are located on No. 13 to the south of the site and the front windows of the approved bungalow located opposite which was approved under application ref. P1390.21. The main windows on No. 13 are located on the front and rear of that building and therefore due to the siting and orientation of the dwellings it is not considered that they would have an unacceptable impact on the privacy or outlook from the main habitable windows of this property.
- 6.25. The proposed dwellings would have a maximum height of 6.8m a reduction in height of approx. 1.8m from the previous refused scheme. The separation distance from the approved bungalow (to the east) has been increased slightly to 13.4m from 12.7m as previously proposed (P2194.21). The current scheme has also reduced the number of dwellings proposed to 2 and has altered the placement and orientation of the windows which has improved the relationship with that of the approved bungalow opposite (P1390.21). The revisions to the scheme are now considered to have reduced the impact on the outlook from the approved bungalow opposite and also to that of No 13 to the south.
- 6.26. In addition the number of parking spaces to the front of the dwellings have been reduced to 4. As such it is considered that the current proposals would not have an unacceptable impact on the outlook and privacy to approved bungalow opposite (P1390.21).
- 6.27. Daylight and Sunlight: There is an upper floor side window on the flank wall of No. 13 which serves a landing and there is a ground floor rear kitchen extension which is served by a rear window and rooflight above. The current scheme has increased the separation distance from 1.75m (P2194.21) to 2.4m between the flank wall of house on plot A and the flank wall of No. 13. Given the side window serves a landing and is not habitable room and that the rear building line of the dwellings would not protrude beyond the primary fenestration of the rear kitchen of No. 13. It is not considered that there would be an unacceptable impact on the daylight received within the nearest habitable rooms of No. 13.
- 6.28. As stated above, as the current scheme has now reduced the width and height, included hipped roofs and increased the separation distance from the side

boundaries of the site. It has therefore reduced the impact of overshadowing to the nearest rear gardens of No's 12, 14 and 16 Abbey Wood Lane to the north. It is considered that these rear gardens would still receive adequate sunlight and would not result in unacceptable overshadowing to neighbouring gardens outside of BRE guidance. The Applicants overshadowing assessment also demonstrates that surrounding properties would continue to enjoy acceptable levels of amenity.

- 6.29. Noise: In terms of noise impact, it is not considered that the dwellings (Use Class C3) would have an unacceptable impact on adjoining residential properties as the site would be retained within a residential use within a predominately residential area.
- 6.30. Having regard to all of the above the proposal would not be contrary to Local Plan policy 7, in terms of amenity impact.

Highways and Car Parking

- 6.31 The application site is located in an area with a PTAL of 1b with a poor level of access to public transport and consequently Local Plan policy 24 sets a minimum parking standard for this location of 1.5 spaces per dwelling. Therefore the proposals would be required to provide 3 parking spaces.
- 6.32. The proposals included 2 off street parking spaces per dwelling within the front curtilage of the site. Noting the objections above which raise concerns about parking stress within the area it is considered that 4 parking spaces are acceptable to serve the development and would not have an unacceptable impact on the surrounding highway network. In addition, the previous refused scheme proposed 6 off-street parking spaces and the current scheme has reduced this number to 4. This reduction has overcome officer's previous concerns regarding pedestrian and vehicular access and manoeuvring of vehicles in and out of the site. It has also improved the relationship with the vehicle parking of the approved bungalow opposite.
- 6.33. As such it is considered that the proposals would provide an adequate quantum of on-site parking in accordance with Local Plan policy 24 and London Plan policy T6.1.
- 6.34. Access: The main pedestrian access to the site is from Berwick Close and the site plan shows that there would be adequate space located to the front of the dwellings for pedestrian and inclusive access to each dwelling in compliance with London Plan policy D5. As such the proposed layout and access is considered to be acceptable and the current scheme now overcomes Officer's previous concerns.
- 6.35. Cycle Parking: The supporting plans show that there would be side access to the side of each dwelling which would allow a cycle store to be provided within each rear garden. Further details of the elevations and design of the cycle stores would be secured by condition to ensure compliance with the London Cycling Design Standards and London Plan policy T5 (Table 10.2) and to ensure it is accessible, secure and fit for purpose.

- 6.36. Refuse and Recycling: The supporting information indicate refuse bins would be located within the rear gardens of each dwelling. However it is considered that further details are required to ensure that it could accommodate the required capacity of 45 litres recycling and 180 litres general refuse for each dwelling as set out in the Councils Refuse and Recycling SPD. In addition, a condition would ensure that refuse is only stored on Berwick Pond Close on designated collection days.
- 6.37. Construction Management: It is considered that a condition would be imposed to restrict noisy construction work to be within specific times within that which the Council Noise team recommends.

Environmental and Climate Change Implications

- 6.38 Given the limited scale of the proposals, no specific measures to address climate change are required to be secured in this case.
- 6.39 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
- £7,000. LB Havering CIL
 - £1,300. Mayoral CIL towards Crossrail

Equalities

- 6.40 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
- 6.41 The application, in this case, raises no particular equality issues.

Other Planning Issues

- 6.42 It is advised that the drainage and sewage matters and private rights of access raised within the objections above are building control matters and are not material planning considerations.

Conclusions

- 6.42 The proposed development is deemed to be acceptable with respect to impacts on the street scene and character of the area, neighbouring amenity, the amenity of future occupiers and highway and parking considerations.
- 6.43 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.

- 6.43 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.