



**Havering**  
LONDON BOROUGH

## Planning Committee

4<sup>th</sup> August 2022

<b>Application Reference:</b>	<b>P0419.22</b>
<b>Location:</b>	<b>27 Hacton Lane, Hornchurch</b>
<b>Ward</b>	<b>St. Andrew's</b>
<b>Description:</b>	<b>Single storey rear extension and patio.</b>
<b>Case Officer:</b>	<b>Aidan Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b>

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### **1 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 1.1 The single storey rear extension and patio 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 the raised patio/steps and detached gazebo.
- 1.2 Furthermore, the scale and siting of the single storey 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 (1.7m high above patio)
4. SC32 – Accordance with plans.
5. SC46 - Standard Flank Window Condition.
6. SC48 – Balcony condition
7. SC60 – Contaminated Land Condition (Pre-commencement)

### **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 on Hacton Lane. The site contains a two storey semi-detached dwelling and is finished in pebble-dash.
- 3.2 There is parking on the drive to the front of the property. The surrounding area is characterised by predominately two storey dwellings.

### **Proposal**

- 3.4 Planning permission is sought for a single storey rear extension which would extend the full width of the dwelling, be 6m deep and have an eaves height of 2.7m from ground level and an overall height of 2.9m. A roof light would project approximately 35cm above the flat roof.
- 3.5 A patio is shown on the submitted drawing at 30cm in height and this can be added under permitted development normally. A close boarded fence of 1.7m would be erected on the side of the patio adjacent to No.25.

### **Planning History**

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

Y0363.21 - Single storey rear extension 6m deep x 2.7m max height x 2.7m to the eaves – Refused at Validation (A planning application is required).

## **4 CONSULTATION RESPONSE**

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 The application site falls within a contaminated land area and should the application be approved, a contaminated land condition would be imposed. The agent has agreed in writing to this condition.

## **5 LOCAL REPRESENTATION**

- 5.1 A total of 3 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: 4 received from the same resident, objecting to the proposal.

5.3 The following Councillor made representations:

Councillor Middleton wishes to call the application in on the grounds that:

There would be a loss of amenity and light to the neighbouring property. The 6 metre deep extension will impact on the neighbouring residents.

### **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

- Loss of privacy from the patio.
- Loss of light to the rear of the property due to depth and height of proposal.
- Depth of the proposal is beyond the 3m allowed under permitted development.

### **Non-material representations**

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

- Issues regarding building over main drain.

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

- Neighbouring conservatory not correctly depicted.

OFFICER COMMENT: The depiction of the neighbouring conservatory is duly noted but this would not have prevented the determination of planning application as this error was noted during the officer's site visit and from the photos provided to assess the application.

- No notification from applicant prior to submission regarding the proposal so no compromise could be agreed.

OFFICER COMMENT: There is no requirement under planning legislation for applicants to liaise with neighbours prior to submitting a householder planning application.

### **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: After reviewing the scheme neighbours were re-consulted for clarity due to the extent of the patio to the rear of the extension and the omission of the existing two storey rear projection on the drawings as it was not included on the initial submission. The Officer visited site to assess the impact of the proposal and for measurements to be taken.

## **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 single storey rear extension and patio 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 rear extensions. There are a number of ground floor rear extensions within the surrounding area. The proposed single storey rear extension and patio would only be visible from the rear garden environment. It is considered that the proposed single storey rear extension would relate satisfactorily with the existing dwelling.
- Patios to a height of 30cm can normally be constructed under permitted development. However, as the patio would project from the proposed 6m deep rear extension, it is considered necessary to show it on the proposed plans.
- It is considered that the single storey rear extension and patio 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 overall depth and height of the single storey rear extension at 6m and 3.5m respectively exceeds normal guidelines. Consideration has therefore been given to a refusal of planning permission on the basis of the impact upon the adjacent neighbours.
- However, the Council are required to consider if there are any mitigating circumstances for the acceptability of the scheme.

- In respect to No.29 Hacton Lane, it is noted that this neighbouring property projects further back into the plot and has a pitched roof, ground floor, rear projection. The overall projection beyond the rear elevation of No.29 would be less than 4m and is envisaged within guidelines as acceptable when considering the impact of a 4m deep extension for a semi-detached or detached property on the boundary with a neighbour that has not previously been extended. The height and depth of the proposal would be also mitigated by the space created by the side access between the flank wall of the extension and the boundary adjacent to No.29. It is considered the proposed rear extension would not impact on the amenity of the residents at No.29 Hacton Lane.
- Of a greater concern is the potential impact of the proposal on the attached neighbour at No.25 Hacton Lane, which is the adjoining semi-detached property. It is noted that this neighbour has a conservatory along the boundary with No.27 Hacton Lane. There is no planning records for this conservatory and therefore it is considered that this has been constructed under permitted development pre-2008. The neighbouring conservatory has a depth of approximately 2.95m along the boundary with the application site before chamfering off into their garden. It is noted that the flank windows in the conservatory have been filled in facing the application site.
- The installation of flank windows on or close to the boundary are discouraged, as these windows claim light from exclusively outside of the site over land which a resident has no control. In such circumstances, the Local Planning Authority cannot undertake to safeguard the entry of light to the flank windows on the adjacent extension.
- It is noted that the attached neighbour lies to the north east of the application site and therefore the proposal would cast a shadow and reduce the amount of sunlight to the extended rear elevation of No.25. However, an overall projection beyond No.25's rear extension (conservatory) of approximately 3.05m 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 roof of the single storey rear extension would have an overall height of 2.9m excluding the roof light/lantern and an eaves line of 2.7m from ground level as shown on the proposed side elevation.
- The ground level slopes downhill from the rear of the application dwelling towards the rear boundary and this is a characteristic with the ground levels on either side within the neighbouring gardens. In addition, there seems to be a variance of the approximately 20cm between the ground level at No.25 and the application site and the ground level gently slopes from north to south and along this section of Hacton Lane.

- It is considered that the depth and height of the proposed rear extension would not unacceptably impact on the amenity of the attached neighbour at No.25 Hacton Lane.
- The proposed roof light on top of the rear extension would be sufficiently removed from the sides of the extension, not to unacceptably impact on the adjacent neighbours.
- The height of patio at 30cm complies with permitted development guidelines. It is suggested that in the instance that the application is recommended for approval that a 1.7m high fence be erected to protect the privacy of the adjacent neighbours at No.25 as the space between the patio and the boundary with No.29 would alleviate the potential impact from the extended patio. To safeguard the privacy of the adjoining neighbours, conditions have been imposed, for the inclusion of a screen fencing to the patio and to ensure that no openings will be added to the side of the proposed extensions or that the flat roof of the rear extension would not be used as a balcony, roof garden or similar amenity area, unless specific permission is obtained in writing from the Local Planning Authority.
- Given these circumstances and mindful of the general presumption in favour of development, it is considered any impact upon the adjacent neighbours to be modest and within that envisaged as acceptable within guidelines.

#### 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 as 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.