



Havering
LONDON BOROUGH

Planning Committee
13th April 2023

Application Reference:	P0229.22
Location:	Land to the rear of 88 Harrow Drive, Hornchurch
Ward	Hylands
Description:	Single storey, 3-bed, detached bungalow with associated parking and amenity space
Case Officer:	Cole Hodder
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. BACKGROUND

- 1.1 The application was called in by Councillor Christine Smith.
- 1.2 The application was considered by members of the Planning Committee at the meeting held on 12 January 2023 where it was deferred to enable the applicant to provide further detail over the construction methods/adjust site plan to reflect surrounding development to enable access from Harrow Drive.
- 1.3 The report is now brought back to members with a summary of the response to the above matters set out in the following section of this report and feedback received through further consultation with neighbours.

1.4 SUMMARY OF CHANGES

- 1.5 In response to the above and the areas of concern raised by Planning Committee members the applicant revised the site location plan to incorporate

the whole of 92 Harrow Drive. Indication is made that access would be taken from Harrow Drive through the formation of an access road to allow vehicles to attend the rear of the site without using Hurstlands Close consistent with the debate members had. The development would be phased with the dwelling subject of the current application to be completed ahead of the construction of the pair of dwellings fronting Harrow Drive approved under ref: P1859.21.

- 1.6 The Construction Methodology outlines that 80% of deliveries/visits to the site would be conducted from Harrow Drive following demolition of the dwelling to facilitate the construction of the dwelling at the rear of 88 Harrow Drive. Due to the logistics of the build and constraints associated with the site the remaining deliveries (concrete pours/trusses) would be from Hurstlands Close. It is understood that members had concerns over vehicles attending the site from Hurstlands Close and the purpose of the CMS was to demonstrate that the majority of vehicles would not need to do this.
- 1.7 As outlined members will need to take into consideration that the dwelling that has already been approved in the rear garden of this site through appeal APP/B5480/A/14/2227815 and the replacement of the dwelling at 92 Harrow Drive (ref: P1859.21) are each capable of being constructed/completed without any further grant of permission. The proposals concern only the additional dwelling to the rear of 88 Harrow Drive.
- 1.8 The CMS provided seeks to mitigate where possible the impacts of the additional development and has been considered by the Council's Public Protection team and Highway Authority who have not objected to its content. It is advised that further detail is secured relating the management of dust and other particulates but this would be secured through condition in the event of approval.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The proposed dwelling would not result in any demonstrable material planning harm to amenity, local character or highway safety and would make a contribution to unmet housing delivery. The development would comply with the objectives of the Local Plan as well as the London Plan, NPPF and PPG.

3 RECOMMENDATION

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

Conditions

Time Limit – 3 Years

Accordance with Plans

Accordance with CMS (with details to be submitted to control dust and other particulates)

Materials Samples

Boundary Treatment

Landscaping
Provision of parking
Cycle Storage
Refuse Storage
Withdrawal of PD rights (Extensions including loft conversions and porches and outbuildings not permitted)
Scheme of tree protection (Pre-commencement)
Hours of construction
Accessible dwelling
Hard surfaces to be porous
Water usage
NOX Boilers

Informatives

Standard approval informative
Wildlife informative
CIL Informative

4 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 Application site comprises of rear garden of 88 Harrow Drive which is currently occupied by a domestic outbuilding. The site is neither listed, nor within a Conservation Area. The site adjoins neighbouring rear gardens as well as the garage site serving Hurstlands Close.

Proposal

- 4.2 Consent is sought for the subdivision of the existing plot and formation of a detached single storey dwelling with associated access/off-street parking and amenity space.

Planning History

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

P0746.14 – Rear of 92 Harrow Drive - Erection of 1no. three bedroom bungalow with off street parking (REFUSED and subsequently allowed on appeal 24 February 2015). All conditions discharged and development was implemented and therefore remains capable of being progressed.

P1859.21 – 92 Harrow Drive - 2x Two-storey, 4-bedroom semi-detached dwellings to include 2x single storey rear outbuildings, patio to rear, extension of vehicular crossover to front with associated parking amenities and to involve demolition of existing dwelling – APPROVED WITH CONDITIONS

5 CONSULTATION RESPONSE

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 The following were consulted regarding the application:

- 5.3 Highway Authority – No objection made. CMS to require details of control of dust and other particulates. (OFFICER RESPONSE): Suitable detail could be agreed through condition.
Environmental Health – No objection made
Fire Brigade – No objection made

6 LOCAL REPRESENTATION

6.1 A total of 19 neighbouring properties were invited to comment on receipt of the revised CMS and site location plan.

6.2 The outcome of all consultation is as follows (please note that this includes comments from the original consultation period):

No of individual responses: 55 of which, 28 objected, 7 supported and 4 commented

Petitions received: None submitted

6.3 The following Councillor made representations:

- Councillor Christine Smith objecting and calling-in on grounds of overdevelopment, access, privacy, pollution and precedent.

Representations

6.4 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

- Harm to character/prevaling plot sizes
- Loss of privacy
- Overshadowing
- Loss of landscaping
- Noise
- Highway safety/insufficient parking
- Access for servicing/emergency vehicles
- Air pollution from vehicle movement
- Harm to wildlife
- Hours of construction
- Heritage impacts

OFFICER RESPONSE: The above matters will be considered within this report. On the matter of heritage, the site is not within an area of any specific designation, nor is it considered to have any heritage value as such. From review of the comments made on this point appear to stem more from the character impacts of the development through reduced plot sizes diminishing established patterns of development.

Supporting comments

- Regeneration

- Additional housing stock
- In keeping with other approved development
- Visual improvements to the Close/garage site

Non-material representations

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

- Disturbance during works
- Financial gain for developer
- Loss of light/privacy and overshadowing arising from ref: P1859.21
- Character impacts of pair of dwellings approved under ref: P1859.21
- Potential for future works/speculation over ownership of adjoining sites
- Ownership of garage court/right of way

OFFICER RESPONSE: The proposals concern only the formation of a detached bungalow in this location, matters relating to amenity and other considerations association with the detached bungalow rear of 92 Harrow Drive ref: P0746.14 and pair of dwellings at 92 Harrow Drive P1859.21 were considered separately through consideration of those applications. Those developments remain capable of being implemented in the case of the pair of dwellings, or completed in respect of the detached bungalow which was commenced.

Some comments made bring into question the ownership of the garage court and whether access would be permitted over it. The applicant has through submission of the current application indicated that they would have access and there is no evidence before officers to indicate otherwise. Notwithstanding this, planning permission would not supersede property rights/land ownership. This is not a matter for which permission could be withheld at this stage as the development would not be capable of being implemented without the appropriate right of way/access.

Procedural issues

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

- Resident was not consulted (OFFICER RESPONSE): The statutory requirement is to consult only those that directly adjoin an application site. The Council is satisfied that it has fulfilled its statutory obligations and has not prevented anyone with an interest from commenting on the application or making representations.
- Resident not consulted on historic development (OFFICER RESPONSE): The relevant historic cases cited have been looked over and Council records indicate that notification letters were generated for the resident. Unfortunately once letters are issued there is no way for the Council to track progress or to confirm receipt. Representations were made by others noted on the Council system which is indication that other letters reached their intended recipients.

7 MATERIAL PLANNING CONSIDERATIONS

- 7.1 The main planning issues raised by the application that the committee must consider are:
- Visual and character impacts
 - Impact on amenity
 - Highways/Parking
 - Quality of accommodation for future occupants
 - Paragraph 11 of the NPPF/Housing delivery

Visual and character impacts

- 7.2 The site is located at the end of the long rear garden of the host dwelling and its subdivision would not unacceptably diminish the size of the plot.
- 7.3 There is no prevailing housing typology in the vicinity, Harrow Drive consists of mainly detached two storey dwellings, whilst those in Hurstlands Close consist of two storey flatted properties with two single storey dwellings at the southern end. Plot sizes at the end of Hurstland Close (those closest to the application site) are considerably smaller as are the rear gardens.
- 7.4 A material consideration is the decision made under ref: P0746.14 (APP/B5480/A/14/2227815) as outlined in the relevant history section of this report. An application was made for a single storey dwelling in the rear garden of 92 Harrow Drive which was allowed on appeal. Officers understand that this scheme was commenced and therefore remains capable of being completed. Reference is made to the implemented scheme on drawings submitted.
- 7.5 The proposed dwelling would front the existing parking court and be accessed through Hurstlands Close. As such it would form part of the Hurstlands Close street-scene where it would not be visually incongruous. In respect of its scale, height, plot size and general appearance it would not appear out of place in that context. Although it would be somewhat detached from the Hurstlands Close street-scene (as the dwelling to the rear of 92 Harrow Drive would also) this does not equate to any material harm visually which would be consistent with the observations of the appeal inspector when resolving to allow the dwelling in the rear of 92 Harrow Drive.
- 7.6 The garage court is enclosed by the access/boundary treatment framing the rear garden of the donor site. The provision of a bungalow here with associated parking and frontage would open this up which would bring both visual benefits as well as natural surveillance of the garages, benefits observed by the appeal Inspector when allowing the earlier appeal. Whilst a material consideration in the intervening period the adoption of the Havering Local Plan (specifically Policy 10 which relates to back-land development) officers do not consider there to be any conflict in design or character matters which would enable the scheme as submitted to be opposed.
- 7.7 The proposals would also represent an opportunity to seek improvements to landscaping which could be through condition in the event of approval. No trees are proposed to be removed from the site which is currently well maintained rear garden. There would be the loss of some shrubs/planting within the

application site however there is no compelling evidence before officers that this makes any positive contribution to public amenity. A scheme requiring details of landscaping would be secured in the event of approval.

Impact on amenity

- 7.8 Policy 7 of the Havering Local Plan 2016-2031 (HLP) states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy, noise, vibration and disturbance to existing and future residents. This policy is to be read in conjunction with Policy 26 however the objectives are reflected in Policy 34 also which states that development will not be permitted where it would unduly impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.
- 7.9 The proposed dwelling would be located at the rear most point of gardens of dwellings fronting Elmhurst Drive. Through the degree of separation from primary windows of surrounding dwellings it would not be detrimental to outlook, nor would it be overbearing, given it would be single storey with only the roof visible above any boundary treatment. With regards to loss of light and overshadowing, the overall height of the dwelling would be relatively low and the roof would be hipped away from shared boundaries. This serves to reduce visual bulk and potential for loss of light. Whilst there would be some overshadowing of rear gardens it is not considered that these impacts would be material.
- 7.10 The dwelling would be contained to a single storey and accordingly outlook would be restricted to ground level. The site would be framed by boundary treatment and through condition there could also be some degree of planting incorporated. It is not considered that there are any material considerations regarding privacy or overlooking and on this basis it would be difficult to oppose the development on these matters.
- 7.11 Further to the above the provision of an additional dwelling into a residential environment is unlikely to create significant levels of additional noise and disturbance. Noise and disturbance during construction works are not a material planning consideration.

Highways/Parking

- 7.12 Access would be taken from Hurstlands Close and this is an arrangement for users of the garages currently and would also be the case for the approved dwelling on the adjoining site. The proposed dwelling would make adequate provision for vehicles to manoeuvre within the site.
- 7.13 The amount of parking provided would be consistent with the objectives of the London Plan which would be the relevant standard imposed for this site given the PTAL rating (1B). It is not considered that the formation of a single dwelling would generate significant vehicle movement.

- 7.14 Representations made express concern over emergency vehicles. These are matters which have been considered previously through the appealed scheme and whilst time has elapsed since that application was determined, there is no compelling evidence before officers which would enable an opposing view to be formed. It is not considered that the formation of a dwelling in this location raises any unacceptable highways/access impacts and the absence of an objection from the Highway Authority or Fire Brigade reinforces this.
- 7.15 Officers have considered occasions where larger vehicles might attend the site, however this would be limited compared to other general activity. Furthermore it would be unlikely to be for a sustained period of time and as a result it is unlikely to amount to a significant degree of interference to local residents, including those using the garage court, in terms of the turning and manoeuvring of their vehicles.
- 7.16 In representations made there are concerns over the prolonged impact on the highway arising from the construction of the proposed bungalow and implementation of the other approved/allowed dwellings at 92/Rear of 92 Harrow Drive. This would present in vehicles parking on Harrow Drive in association with the works. Whilst it is not disputed that the granting of permission would lead to increased trips to the site, the planning system does not regard this a material consideration.
- 7.17 In some circumstances a CMS may show areas of parking within the site for vehicles however a condition restricting parking associated with the works to the site only and not surrounding roads would not meet with the tests of the Framework. Further to this such a condition would be difficult to enforce. If driveways are obstructed this would be a matter for parking enforcement. There are otherwise no restrictions in place to prevent vehicles from parking lawfully on the road/surrounding roads.
- 7.18 No objection has been recorded by the Highway Authority, either in connection with the original consultation or the submission of the CMS as requested by members.

Quality of accommodation for future occupants

- 7.19 Policy D6 (Housing Quality and Standards) of the London Plan advises that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose.
- 7.20 To that end there are minimum internal space standards and set requirements for gross internal floor areas for dwellings as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights. Applying those standards the proposed dwelling would show compliance as a 3B 4P unit. The absence of dedicated internal storage is offset by the excess gross internal floor area. Rooms would receive adequate natural light and outlook from internal and external spaces would be acceptable.
- 7.21 New dwellings must also demonstrate an acceptable arrangement of private amenity space. The London Plan (2021) requires minimum outside

space/amenity provision based on prospective occupancy. The rear garden area shown would significantly exceed the minimum standard set by the London Plan.

- 7.22 Through compliance and in most cases in exceeding the minimum standards the proposed dwelling would make provision for an acceptable living environment for future occupants.

Environmental and Climate Change Implications

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

Paragraph 11 of NPPF/Housing Delivery

- 7.24 An additional consideration is that the Council is unable to demonstrate a five year supply of deliverable housing sites. Thus, given the nature of the proposed development, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) are engaged.

- 7.25 Paragraph 11(d) requires that decision makers assess the proposed development against the policies in the Framework taken as a whole. To refuse permission the adverse impacts of the development would need to significantly and demonstrably outweigh the benefits of the scheme. There are no material impacts identified which are capable of substantiating a decision to refuse permission as outlined in preceding sections of this report. Furthermore whilst only offering a minor contribution, the proposals would contribute towards unmet housing delivery which weighs in favour.

Financial and Other Mitigation

- 7.26 None relevant aside from Mayoral and Havering Community Infrastructure Levy contributions to mitigate the impact of the development:

- £10,875 LB Havering CIL
- £2,175 Mayoral CIL

Equalities

- 7.27 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

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

8 Other Planning Issues

- 8.1 Matters have been raised regarding wildlife and loss/damage to trees. The site is a well maintained rear garden and there is no compelling evidence that any protected species are at risk. The removal of shrubs as would be required by the proposals could be undertaken without permission. In any case this would not absolve the applicant from any responsibilities under the Wildlife and Countryside Act 1981. An informative is recommended in the event of approval reminding the applicant of their responsibilities.
- 8.2 With regards to the loss of trees and landscape features, this is a material planning consideration and an intrinsic part of national and local planning policy. However the proposals would not require the loss of any mature trees and as indicated the shrubs/planting has not been evidenced to be of any public amenity value. Instead the proposals represent an opportunity to increase greening and biodiversity through a scheme of planting to be secured by condition. The removal of trees in the adjoining site was considered through ref: P0746.14 and their loss balanced against the benefits of the scheme by the Appeal Inspector. Therefore a scheme for tree-protection is not considered to be appropriate or necessary.
- 8.3 With regards to air quality, as the development comprises only a single dwelling the impacts in planning terms are not considered to be significant.

9 Conclusions

- 9.1 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.