



Havering
LONDON BOROUGH

Planning Committee
13th April 2023

Application Reference:	P0867.22
Location:	168 Corbets Tey Road
Ward	Upminster
Description:	Demolition of the existing dwelling with the construction of 2 No. x 5 bed detached dwellings with habitable loft spaces, rear dormers, off street parking, private amenity space with bin and cycle storage.
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 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 The proposed dwellings 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.

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

Time Limit – 3 Years

Accordance with Plans

Materials Samples

Boundary Treatment

Arboricultural Method Statement (Pre-commencement)

Construction Methodology Statement (Pre-commencement)

Landscaping

Provision of parking

Withdrawal of PD rights (Extensions including loft conversions and porches and outbuildings of set scale)

Hours of construction

Accessible dwelling

Water usage

Hard surfaces to be porous

Flank window condition

Obscure glazing condition

Informatives

Standard approval informative

Highways informative

Wildlife informative

CIL Informative

3 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 3.1 Application site comprises of a detached bungalow with associated amenity area and parking. There is a detached outbuilding within the site to the northern side of the existing bungalow fronting the road.
- 3.2 Mature trees are present to the fringes of the site and at the boundaries. There are no TPOs registered upon the site and the site is neither listed nor within a Conservation Area.

Proposal

- 3.3 Consent is sought for the formation of a pair of detached dwellings. The redevelopment of the site would be facilitated by the demolition of the existing bungalow and detached garage.

Planning History

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

P00713.21 - Erection of 1 No. 5-bed detached dwelling and 2 No. 5-bed semi-detached dwellings with off street parking, private amenity space with bin and cycle storage involving demolition of existing dwelling – REFUSED (DISMISSED AT APPEAL)

4 CONSULTATION RESPONSE

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 The following were consulted regarding the application:
- 4.3 Highway Authority – No objection made
Environmental Health – No objection made
Fire Brigade – No objection made

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: 4 of which, 4 objected

Petitions received: None submitted

5.3 The following Councillor made representations:

- Councillor Linda Hawthorn objecting and calling-in on grounds of development appearing visually cramped and out of keeping with the area.

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

- Harm to character/out of keeping/scale of street
- Overshadowing
- Insufficient parking/increased on-street parking
- Loss of landscaping
- Harm to wildlife
- Minimal contribution to housing delivery/need

(OFFICER RESPONSE: The above matters are considered within the following sections of this report).

5.5 The scheme was subject to a number of revisions, with a final set of drawings provided 7 February 2023. As the revisions reduced the scale of the development and addressed some matters raised within representations it was not considered necessary to re-issue further consultation letters.

Non-material representations

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

- Financial gain for developer
- Disturbance through noise etc from construction
- Alternative development proposals

Procedural issues

5.7 There were no procedural issues raised.

6 MATERIAL PLANNING CONSIDERATIONS

6.1 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

Visual and character impacts

6.2 The scheme was revised a number of times over the lifetime of the application with a final set of revised plans received 7 February 2023. The extent of these revisions included alterations to the footprint and massing of Plot 1 (adjoining 178 Corbets Tey Road) and the omission of front dormers which were regarded as uncharacteristic features not prevalent in the locality.

6.3 The Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to set out that good design is a key aspect of sustainable development, in so far as that it creates better places in which to live and work and helps make development acceptable to communities. It is considered that subject to a condition requiring samples of any materials used in the external construction/finish that the proposed dwellings would align with this objective.

6.4 An overarching consideration is the desirability of maintaining an area's prevailing character and setting (including residential gardens), of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. The framework requires that permission is refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

6.5 The earlier refusal at the site and subsequent appeal decision concerned development of greater overall scale and which had materially different impacts on the street-scene and local character more generally. The plot is generously sized and capable of accommodating a pair of detached dwellings without any undue harm to local character and the resultant plot sizes would not be out of keeping with prevailing patterns of development. That aside the surrounding environment is varied and there is no set housing typology and the proposals have taken some cues from the environment through bay features/porches.

- 6.6 The design and appearance of the dwellings may not replicate existing built form, however the level of harm arising is not regarded as being capable of substantiating a decision to refuse permission. It is not a given development should replicate existing built form and Council guidance does not require this. The overall height and ridge height would be consistent broadly with similarly sized dwellings. The degree of lateral separation would also not be irregular visually. Revised plans omitted front dormers which were observed not to be a characteristic feature in the locality and would have potentially set a harmful precedent.
- 6.7 It is recommended that permitted development rights are withdrawn for extensions, including those to the roof.
- 6.8 Underpinning the above, the National Planning Policy Framework promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. The scheme represents an acceptable response to the constraints of the site and officers consider that the development would align broadly with the objectives of the Havering Local Plan 2016-2031, the NPPF and London Plan 2021. The earlier refusal reasons and those which saw the earlier appeal dismissed have been overcome.

Impact on amenity

- 6.9 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.
- 6.10 New views would be introduced, however after consideration they would not be regarded as being unusual within the suburban setting. With regards to views over greater distances, similarly the arrangement is not regarded as objectionable as it would be comparable broadly to those dwellings on Little Gaynes Gardens with outlook to the rear towards properties fronting Corbets Tey Road which feature rooms within the roof.
- 6.11 Turning then to the impacts of the development on neighbouring premises, alongside the semi-detached pair the unattached neighbour to the north is restricted to single storey level and has been extended at ground floor to the rear. Whilst there are observed to be flank windows present it is understood from Council records that they do not serve primary rooms and there is no evidence before officers or made in representations which would suggest otherwise.
- 6.12 Alongside the boundary parallel to the rear projection is an outbuilding with a pitched roof. The rear building line of the closest dwelling would not project

beyond the rear building line of this neighbour, nor the detached garage and the development above single storey level would be set back behind the ground floor foot-print of this dwelling.

- 6.13 It is not disputed that there would be some level of overshadowing to this neighbour (166) in the early part of the day however this would not be materially harmful in planning terms. The proposed dwelling would represent a departure from the existing and would be taller than this neighbour, however owing to the ground floor footprint it is not reasonable to conclude that the dwellings would materially harm outlook, or represent an overbearing feature as they would not be in views unless looking back towards the house from the rear garden. Similar relationships are observed to exist within the locality. Officers are mindful also that the impacts on this neighbour of a larger building overall (through appeal APP/B5480/W/21/3279474) were not regarded as unacceptable by the Appeal Inspector.
- 6.14 With regards to the other unattached neighbour to the south (178), there are no flank windows which would be impeded by the development. The impacts of the development on this neighbour had previously formed grounds for refusal and were upheld by the Appeal Inspector who dismissed the subsequent appeal. In the case of the current proposals the massing of the development is well reduced and in revisions received 7 February 2023 the proportions of the dwelling and projection into the site were reduced further to show compliance with Council design guidance. The relationship would comply with the guidance contained within the Residential Extensions and Alterations SPD and in doing so it is not considered that it would present as overbearing from this site. In being located to the south of the application site, loss of light and overshadowing are not considered to be material.
- 6.15 In light of revisions received which reduce the scale of the development where harm had been identified it is not considered that there are any grounds with which to withhold permission. Planning permission can only be refused where there is material harm and there is no evidence before officers which would indicate this. The development is regarded as being in compliance with the Residential Extensions and Alterations SPD, Policies 7, 9, 26 and 34 of the Havering Local Plan 2016-2031, as well as the objectives of the Framework.

Highways/Parking

- 6.16 Parking provision and matters of highway consideration are represented in Policies 23 and 24 of the Havering Local Plan 2016-2031.
- 6.17 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 (1A). It is not considered that the formation of an additional dwelling in this location would generate significant vehicle movement based on the evidence before officers and this is reinforced by the absence of an objection from the Highway Authority.

Quality of accommodation for future occupants

- 6.18 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.
- 6.19 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 dwellings would exceed the given standard for two storey, five bedroom dwellings. Rooms would receive adequate natural light and outlook from internal and external spaces would also appear to be acceptable.
- 6.20 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 areas shown would significantly exceed the minimum standard set by the London Plan in the case of each dwelling.
- 6.21 Through compliance and in most cases in exceeding the minimum standards the proposed dwellings would make provision for an acceptable living environment for future occupants.

Paragraph 11 of NPPF/Housing Delivery

- 6.22 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.
- 6.23 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.

Environmental and Climate Change Implications

- 6.24 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

- 6.25 None relevant aside from Mayoral and Havering Community Infrastructure Levy contributions to mitigate the impact of the development:
- £39,125 LB Havering CIL
 - £7,825 Mayoral CIL

Equalities

6.26 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

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

7 Other Planning Issues

7.1 Matters have been raised regarding wildlife and loss/damage to trees. The site is well maintained rear garden and there is no compelling evidence that any protected species are at risk. The removal of shrubs/planting and any trees on site could be undertaken without permission as there are no preservation orders on the site and it is not within an area of any designation which would prevent works. The absence of a preservation order in much the same way as a grant of planning permission 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.

7.2 Notwithstanding the above it is the recommendation of officers that the applicant should submit for the approval of the Local Planning Authority an Arboricultural Method Statement prior to commencement in order to ascertain what trees have value in planning terms and what measures can be agreed to protect those retained trees during the course of development. Aside from this, a scheme of landscaping would also be required by planning condition in the event of approval. It is envisaged that a combination of retention of trees where feasible and where justification can be provided, in conjunction with a scheme of landscaping would mitigate any perceived harm and offer other benefits which would align with the objectives of the Havering Local Plan. These matters are otherwise not a barrier to the development receiving approval having regard to its limited scale.

7.3 With regards to air quality, as the development comprises a net increase of only one dwelling the impacts in planning terms are not considered to be significant.

Conclusions

7.5 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.