



**Havering**  
LONDON BOROUGH

**Planning Committee**

**6 July 2023**

<b>Application Reference:</b>	<b>P0756.22</b>
<b>Location:</b>	<b>Land to the rear of 158-160 Victoria Road</b>
<b>Ward:</b>	<b>St Albans</b>
<b>Description:</b>	<b>Two storey, 4-bed detached dwelling with associated parking and amenity space to include habitable loft and two front dormers</b>
<b>Case Officer:</b>	<b>Kelvin Naicker</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria</b>

---

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

- 1.1 The proposed dwelling would be acceptable and not have a detrimental impact on the surrounding street scene.
- 1.2 Furthermore, it is judged that the scale and sitting of the proposed dwelling would not result in material harm to neighbouring amenity.

## **2 RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission subject to 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. SC04 – Time limit
2. SC32 – Accordance with Plans
3. SC10C – Materials
4. SC11 – Landscaping
5. SC13B – Boundary Treatment (Pre-Commencement)
6. SC63 – Construction Methodology (Pre-Commencement)
7. SC46 – Standard Flank Window Condition
8. SC45A – Removal of Permitted Development Rights
9. Non-Standard Condition – Hours for Demolition, Construction Works or Deliveries
10. Building Regulations Condition
11. Water Efficiency Condition
12. Ultra-Low NOx Boilers Condition (Pre-Occupation)
13. SC06 – Parking Provision
14. Hard Surface Porus/Run-Off Condition

## **Informatives**

1. Party Wall Act.
2. Highways Informatives
3. Approval and CIL
4. INF28 – Approval following Revision

## **3 PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

- 3.1 The application site is situated to the rear of 158-160 Victoria Road and will form its main access from Juliette Mews, which is a cul-de-sac comprising of a variety of terraced and semi-detached dwellings.

The site is not listed nor located within a conservation area.

### **Proposal**

- 3.2 Planning permission is sought for the erection of a two-storey detached dwellinghouse.

The dwellinghouse would contain four bedrooms and would have provision for one car parking space to the front.

During the application process, revised drawings were submitted which included visibility splays in order to help demonstrate that the proposals would not be detrimental to pedestrian safety. Furthermore, the scheme originally submitted was not compliant with Policy T6.1 of the London Plan, which provides that for 3+ bedroom units, the maximum parking provision should not exceed 1 space per unit. Two spaces were originally proposed to the front of the dwelling, however. To overcome this issue, staff suggested that the amount

of car parking be reduced down to a maximum of 1 space per unit. Removal of some of the car parking, especially at the front, was considered to enable the provision of additional soft landscaping. The planning agent agreed to these changes. The floor-to-ceiling heights of each floor of the proposal were also modified so as to all be 2.50m each. Given that this set of amendments would not result in the proposals having an increased impact on neighbouring properties, it was not considered necessary to re-consult the neighbours about them.

It is noted that a number of 3D drawings were included as part of the submission, but only scaled drawings will be included on the decision notice.

### **Planning History**

3.3 No relevant planning decisions relevant to the application could be found.

## **4 CONSULTATION RESPONSE**

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

4.2 The following comments were made by the stakeholders listed below:

- ❖ Thames Water – No comments
- ❖ London Fire Brigade - No additional hydrants are required. Happy for works to go ahead as planned.
- ❖ LBH Public Protection - No objection in relation to contaminated land. Recommended that conditions relating to air quality be imposed were the application to be approved.
- ❖ LBH Highways
  - Requested that the submission includes visibility splays and any other information that can help demonstrate pedestrian safety.
  - Parking: Concerned about increase in vehicle ownership at the property and in turn the potential of intensifying parking stress in Juliette Mews.
  - Services and Deliveries: It is expected that any servicing to the property would take place in the same way as it is for neighbouring properties.
    - Following the submission of a drawing illustrating visibility splays, Highways considered concerns regarding visibility around the junction and proposed driveway to be resolved.
- ❖ LBH Waste and Recycling – Waste storage to be provided. Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Juliette Mews on the scheduled collection day.

- ❖ LBH Street Name and Numbering - Application will be required to be street named and numbered.

## **5 LOCAL REPRESENTATION**

5.1 A total of ten 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:            2 of which, 2 objected

5.3 The following Councillor made representations:

Councillor Judith Holt wishes to call the application in on the grounds that:

1. The proposal would be far too great a density for the plot of land and represent an over-development of the site. The houses along Victoria Road and Juliette Mews are two-storey terraced or semi-detached. Architecturally, a three-storey, four-bedroomed detached house would not fit in here.
2. Overlooking / Loss of Privacy - The proposal would overlook houses and gardens of 156, 158, 160 and 162 Victoria Road and 5, 6, 14 and 15 Juliette Mews to an intrusive, unacceptable level.
3. The proposal would cause loss of light and overshadowing.
4. Concerns about issues related to access and egress. It is not clear how deliveries of building materials could be made, nor how any large vehicles could manoeuvre safely.
5. The proposal would result in noise and disruption plus unacceptable traffic generation to the neighbouring houses for the best part of a year.

### **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

- Concerns about overlooking due to proximity of proposal to lounge and master bedroom window of neighbouring property.
- Proposal would be disproportionality large in comparison to other houses in terms of bedroom numbers

- Proposal would result in the loss of the 'meadow' area, a haven for wildlife and somewhere that children can play safely

Although not objections, the additional following comments were also received:

- Would be better for rear access way to be located on the side and follow the Juliette Mews rear access path pattern

### **Non-Material Representations**

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

- Concerns about issues related to access and egress. It is not clear how deliveries of building materials could be made, nor how any large vehicles could manoeuvre safely.
  - OFFICER COMMENT: Matters relating to the delivery of building materials and manoeuvrability of large vehicles are not a material grounds on which to refuse permission. Information has been submitted to demonstrate how works could take place off the highway, however, it is recommended that a condition be applied seeking details of the construction method statement prior to commencement of the development.
- Noise and disruption during course of construction process
  - OFFICER COMMENT: Issues of noise and disturbance during construction period is not a material planning consideration

### **Procedural issues**

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:

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

- Principle of Development
- Quality of accommodation for future occupants
- The visual impact arising from the design and appearance of the proposed dwelling on the area.
- The impact of the proposed dwelling on neighbouring amenity
- Highways and parking issues

## 6.2 Principle of Development

The acceptability of any proposed development on garden and backland sites within the borough is reliant on policy considerations including Policy 10 of the Local Plan which requires consideration of the following and is assessed below:

- i. Ensure good access and, where possible, retain existing through routes - The proposal is judged to comply
- ii. Retain and provide adequate amenity space for existing and new dwellings - The proposal is judged to comply
- iii. Do not have a significant adverse impact on the amenity of existing and new occupants - The proposal is judged to comply
- iv. Do not prejudice the future development of neighbouring sites - The proposal is judged to comply
- v. Do not result in significant adverse impacts on green infrastructure and biodiversity that cannot be effectively mitigated and - The proposal is judged to comply
- vi. Within the Hall Lane and Emerson Park Character Areas as designated on the Proposals Map, the subdivision of plots and garden development will not be supported, unless it can be robustly demonstrated that the proposal would not have an adverse impact on the character of the area and that the proposed plot sizes are consistent with the size, setting and arrangement of properties in the surrounding area - The proposal is not situated within the Hall Lane or Emerson Park Character Areas.

On the 30th May 2022, the Government issued Havering with an updated Housing Delivery Test result for 2021. The update takes account of the adoption of the Havering Local Plan in November 2021 and reflects the stepped housing targets set out with the Plan for the period 2016-2031. The updated Housing Delivery Test Result is 78%. In accordance with the NPPF the "Presumption" due to housing delivery therefore does not apply.

Based on the latest Housing Trajectory (initially published in 2019 and updated in 2023 through the Havering Authority Monitoring Report), Havering cannot currently demonstrate a five year supply of deliverable housing sites. The Havering Local Plan was found sound and adopted in 2021 in the absence of a five year land supply. The Inspector's report concluded:

"85. Ordinarily, the demonstration of a 5-year supply of deliverable housing land is a prerequisite of a sound plan in terms of the need to deliver a wide choice of homes. However, in the circumstances of this Plan, where the housing requirement has increased at a late stage in the examination, I ultimately conclude that the Plan, as proposed to be modified, is sound in this regard subject to an immediate review.

86. This is a pragmatic approach which is consistent with the findings of the Dacorum judgement. It aims to ensure that an adopted plan is put in place in the interim period before the update is adopted and the 5-year housing land supply situation is established."

The Council is committed to an immediate update of the Local Plan and this is set out in the Council's Local Development Scheme. A full update to the trajectory will be prepared as part of the ongoing work on the Havering Local Plan

Therefore, in the meantime whilst the position with regard to housing supply is uncertain, consideration has been given to the effect of the tilted balance referred to in Paragraph 11(d) of the NPPF as if the presumption in favour of sustainable development outlined in paragraph 11(d) of the National Planning Policy Framework (NPPF) has been engaged.

Para 11(d) states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Fundamentally this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Having regard to the above, the proposed development is considered to comply with Policy 10 of the Local Plan. However, the acceptability of the proposal will also be subject to other policy considerations.

### **6.3 Quality of Accommodation for Future Occupants**

Policy D6 (Housing Quality and Standards) of the London Plan 2021 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.

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, it would exceed the given standard for a two storey, four bedroom dwelling as well as for other requirements including bedroom sizes and headroom. Officers consider that rooms would receive adequate natural light and outlook.

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. The proposed dwelling is therefore considered to have an amenity area that would be acceptable for day-to-day family living and suitable for activities associated such as sitting out, drying clothes and recreation.

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.

#### **6.4 Visual impact arising from the design/appearance on the area**

The proposed dwelling would be situated along Juliette Mews. The design of the proposal considered to be acceptable and would reflect the design of properties along Juliette Mews in terms of windows and roof style as well as front dormer windows and solar panels.

The size of the proposed dwelling would not deviate from the overall built form of properties along Juliette Mews and it is noted that a number of dwellings within the site are built up to the boundary and do not have back access through the site. The dwelling would be separated from no. 14 Juliette Mews by a public footpath, representing a total separation of about 0.90m and will also provide rear access to the site. The separation is sufficient in preventing the site from appearing overdeveloped and visually intrusive, which is further contributed by the dwelling being sited adjacent to the rear section of the rear curtilage space of no. 162 Victoria Road and as such, would create a sufficient level of spacing between other dwellings.

Overall, it is considered that the proposed scheme would represent an addition to the streetscene that would reflect the established built form and would reflect the character of Juliette Mews.

It is acknowledged that the proposals would result in the loss of some existing green landscaping within Juliette Mews which may be a habitat for some wildlife, but there is no evidence that it contains any protected species (which if discovered are protected under separate legislation). Also, the proposals have been revised during the course of the application to enable provision of soft landscaping to the front of the site, which will be of benefit in sustainability terms. The loss of some existing green landscaping is therefore not considered to be so significant so as to warrant a refusal of the scheme.

As staff consider that insufficient information has been supplied with the application to judge the appropriateness of the materials to be used, the hard and soft landscaping proposed and the boundary treatment proposed, pre-commencement conditions have been agreed with the agent in relation to these issues and will be imposed were the application to be approved. Furthermore, the proposed development would result in a new dwellinghouse where there is a need to balance built form, massing and architectural design on any additions, enlargement or alterations to the building. Therefore, a condition is proposed to restrict permitted development rights.



## 6.5 The impact of the development on neighbouring amenity

Policy 7 of the local plan also seeks to ensure any development would have an acceptable impact upon the amenities of the adjoining occupiers.

Although the scheme is for new dwellings and whilst principles of the Residential Extensions and Alterations Supplementary Planning Document (SPD) are primarily relevant to householder extensions, it is considered reasonable that the principles set out in the document can be used to measure the impact of the development on the neighbours to the side of the proposed dwellings.

In terms of the proposal's impact on the neighbouring property no. 14 Juliette Mews, it is noted that the proposed dwelling would be set back deeper into the plot in comparison to this neighbour. The proposed dwelling would therefore project beyond this neighbour at ground floor level by 3m but the projection beyond this neighbour would align with guidance contained within the SPD, which states that ground floor rear extensions should project no more than 4m beyond the rear of detached dwellings.

Whilst there would be new views from the first and second floor windows of the proposed dwelling into the rear garden environment of this neighbour, they are not considered to be any greater or materially different than overlooking from first and second floor rear windows of properties along Juliette Mews that afford views over the rear garden areas of surrounding neighbouring properties in the locality and would therefore not be unusual within this suburban setting.

The proposed dwelling would project beyond no. 14 at first and second floor level by just over 1m. It is not considered that this projection would result in an unacceptable impact to amenity in terms of loss of light, overshadowing and outlook because the extent to which the proposal would project beyond the rear elevation of this neighbour would be limited.

As for the impact of the proposed dwelling on nos. 158-162 Victoria Road, although it would be situated close to the rear boundaries of these properties, they all benefit from very deep rear garden environments of over 20m long so it is not envisaged that the dwelling would give rise to amenity concerns in relation to these neighbouring properties. This relationship is very similar to that which already occurs in relation to existing properties in Juliette Mews and Victoria Road, which is judged to demonstrate the acceptability of the impacts.

Whilst there would be new views from the first and second floor windows of the proposed dwelling into the rear garden environment of these neighbouring dwellings, they are not considered to be any greater or materially different than overlooking from first and second floor rear windows of properties along Victoria Road that afford views over the rear garden areas of surrounding neighbouring properties in the locality and would therefore not be unusual within this suburban setting.

All other neighbouring properties are considered to be sufficiently separated from the proposal such that it would not cause a detrimental impact on their amenities.

Any noise, disruption or unacceptable traffic generation as a result of the proposal is not considered to be so harmful to the amenity of neighbouring houses so as to warrant a refusal of the scheme.

A condition will be imposed stating that no window or other opening shall be formed in the flank walls of the dwellings unless specific permission has been sought and obtained in writing from the Local Planning Authority first to ensure that it would not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future. Furthermore, as staff consider that insufficient information has been supplied with the application in relation to the proposed construction methodology, a pre-commencement condition has been agreed with the agent to ensure that these details are submitted prior to the commencement of works for the dwelling to ensure that the method of construction protects residential amenity were the application to be approved.

## **6.6 Parking and Highway Implications**

The Public Transport Accessibility Levels (PTAL) rating for the site is 3 which translates to moderate access to public transport. Policy T6.1 of the London Plan indicates that 3+ bed units situated within a outer London area with a PTAL of 2-3 should benefit from a maximum of 1 space per unit.

The submitted drawings indicate that the site would be capable of accommodating one parking space of the required depth and width.

There would be more vehicles parked along Juliette Mews than existing as a result of the proposals, but given the number of car parking spaces proposed would be policy compliant, staff do not consider that the proposal would result in the intensification of parking stress.

There is scope within the site to make adequate provision for refuse storage and for cycle storage.

## **6.7 Environmental and Climate Change Implications**

Given the limited scale of the proposals, no specific measures to address climate change are required to be secured in this case. Electric vehicle parking and porous hard surfacing will be required by condition.

## **6.8 Financial and Other Mitigation**

The proposed development would create one new residential unit which covers a total of approximately 185.16m<sup>2</sup>. The proposal is liable for Mayoral and Havering CIL, will incur a total charge of £27,774.00. Mayoral CIL will be £4,629.00 based on the calculation of £25.00 per square metre and Havering

CIL will be £23,145.00 based on the calculation of £125.00 per square metre, all subject to indexation.

## **6.9 Equalities**

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

In this case, the application raises no particular equality issues.

## **Conclusions**

- 6.10 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.