



**Havering**  
LONDON BOROUGH

## **Planning Committee**

**21 December 2023**

<b>Application Reference:</b>	<b>P1135.23</b>
<b>Location:</b>	<b>Land to the rear 138 to 140 Station Road</b>
<b>Ward:</b>	<b>St Andrew's</b>
<b>Description:</b>	<b>1x two storey, 2-bed, detached dwelling with associated parking and amenity space</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>

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

- 1.1 The proposed dwelling would be acceptable from a design standpoint and would 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 :
- 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
6. NSC31 – First Floor Flank Window
7. SC45A – Removal of Permitted Development Rights
7. SC46 – Standard Flank Window Condition
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
13. Refuse Storage Condition (Pre-Occupation)
14. Cycle Storage Condition (Pre-Occupation)
15. SC06 – Parking Provision
16. SC96 – Electric Vehicle Parking

## **Informatives**

1. Approval and CIL
2. INF27 – Highways Informative
2. INF29 – Approval following Revision

## **3 PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

- 3.1 The application site is situated to the rear of nos. 138 and 140 Station Lane.

It is neither listed, nor within a Conservation Area.

### **Proposal**

- 3.2 Planning permission is sought for the erection of a 1x two storey, 2-bed, detached dwelling with associated parking and amenity space

This application is a resubmission of the previously refused planning application P0158.23. The key issue in this case therefore is whether the revised proposal overcomes the previously stated concerns. The previous application was refused planning permission for the following reasons:

1. The proposed dwelling would, by reason of its detached built form and roof and fenestration design, appear as an incongruous form of development along Suttons Gardens, out of character with the surrounding environment and established pattern of dwellings. The proposal would therefore be contrary to Policies 7, 10 and 26 of the Havering Local Plan 2016-2031 and

also Paragraph 130(a) of the NPPF which requires fundamentally that development add to the overall quality of the area whilst also establishing or maintaining a strong sense of place.

2. The proposed development would, by reason of its limited floor-to-ceiling heights, storage space, and lack of shower room or bathroom on the ground floor result in a low quality design that would be to the detriment of future occupants, contrary to the provisions of Policy D6 of the London Plan 2021 and Policy 7 of the Havering Local Plan 2016-2031.
3. The proposed dwelling would, by reason of its proximity to the rear garden environments of nos. 134 and 136 Station Lane, cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of these neighbouring occupiers, contrary to Policies 7 and 10 of the Havering Local Plan 2016-2031.
4. The proposed development would result in an overprovision of car parking spaces, which would fail to align with Policy T6.1 of the London Plan 2021, which seeks to reduce private car use.

A home office on the first floor of the dwelling was originally proposed. During the application process, however, the case officer expressed concerns about outlook from this room as its window would face the flank wall of the neighbouring dwelling 2 Suttons Gardens, which also benefitted from flank windows at first-floor level. The internal layout of the dwelling was thus subsequently amended so as for this particular room to now serve a bathroom instead. The study would now face the rear garden environment of the proposed dwelling following the revised layout, but concerns were expressed about the proximity of the proposed study to the rear boundary of the application site resulting in overlooking of the rear garden environments of 134 and 136 Station Lane. As such, the applicant was advised to consider obscure-glazing the window to this room. This amendment was also agreed to. To minimise the number of pre-commencement conditions imposed in the event the application is approved, modified drawings illustrating the boundary proposed treatments at the application site were received during the application process. As the amendments to the scheme did not involve any additions to the bulk, scale and mass of the proposal, so it was not considered necessary to re-consult neighbouring properties about the revisions.

This application differs from the previously refused scheme in the following key areas:

1. The built form has been revised so as for the proposal to have a traditionally pitched roof
2. One car parking space is proposed as part of the scheme as opposed to two

## **Planning History**

- 3.3 P0158.23 (1x two storey, 2-bed, detached dwelling with associated parking and amenity space, following demolition of existing garage) – Refused

## **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:

- ❖ Anglican Water - Comments only provided on planning applications for major proposals of 10 dwellings or more, or if and industrial or commercial development, 500sqm or greater.
- ❖ 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 – No comments
- ❖ 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 Suttons Gardens 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 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 Paul Middleton wishes to call the application in for the following reasons:

1. The layout and density of the building.
2. Overlooking and loss of privacy.
3. Impact on highway safety.
4. Adequacy of parking. Taking parking from a recent development to create this development.
5. Impact on visual amenity.
6. Loss of light or overshadowing resulting from the development

### **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

- Proposal would cause noise and visual disturbance
- Proposal would have an adverse impact on view and landscape from windows and balconies
- Concerned about environmental issues arising from the proposal due to removal of greenspace as well as problems relating to pollution and odor
- Concerned proposal would cause parking stress
- Concerned privacy would be compromised and obstruction of natural light
- Concerned proposed location of cycle stores would intrude on living area

### **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 hygiene
  - OFFICER COMMENT: Matters relating to hygiene issues are 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 National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The London Plan notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality accommodation. The provision of additional accommodation is consistent with the NPPF and the objectives of the Havering Local Plan 2016-2031 which at Policy 3 is supportive of housing provision in sustainable locations. In addition the London Plan 2021 notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality at Policy H1 whilst also acknowledging that development should optimise housing output subject to local context and character at Policy D1.

In addition to the above the Housing Delivery Test results found that the Council has seen a shortfall in the level of housing delivery compared to the housing requirement over the measured three years. Thus, given the nature of the proposed development, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) are engaged. Paragraph 11 (d)(ii) requires an assessment of the proposal against the policies in the Framework taken as a whole.

Having regard to the above and mindful of the provision of additional housing contributing to unmet need there is no in principle objection to the redevelopment of the site. Officers do not consider that there is an in principle objection to the site being brought forward for redevelopment subject to design, amenity and highways considerations of this revised scheme.

The acceptability of the submissions for residential developments on garden and backland sites within the borough is reliant on several policy considerations including Policy 10 of the Local Plan which requires consideration of the following:

- I. Ensure good access and, where possible, retain existing through routes
- II. Retain and provide adequate amenity space for existing and new dwellings
- III. Do not have a significant adverse impact on the amenity of existing and new occupants
- IV. Do not prejudice the future development of neighbouring sites
- V. Do not result in significant adverse impacts on green infrastructure and biodiversity that cannot be effectively mitigated

- 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 judged to comply with parts (I), (IV), (V) and (VI) of Policy 10. Matters relating to parts (II) and (III) will be addressed further on in the report.

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

Having applied the standards set out in Policy D6 of the London Plan to the proposals, the new dwelling would exceed the required gross internal floor area for a 2B3P unit and would also comply with the standards in terms of bedroom sizes and other design criteria including headroom and storage space. In sharing a front and rear building line with no. 2 Suttons Gardens, the proposed dwelling would have dual aspect with adequate outlook and daylight/sunlight in the opinion of officers.

The proposed dwelling would have an area of approximately 39sqm of outdoor amenity space at the rear of the house. Staff regard the size of the amenity area of the proposed dwelling to be acceptable for the occupants of a 2B4P unit and given the varying depths and sizes of rear gardens along this part of Suttons Gardens (for example, no. 4 benefit from a rear garden over 20m deep, compared to no. 12 which has a rear garden with a maximum depth of around 9m) and Station Lane (for instance, no. 126 benefit from an about 7m deep rear garden environment, compared to no. 134 that has a rear garden over 15m deep), would also not be out of keeping with the established pattern of rear garden environments in the immediate area. The proposal would therefore comply with part (ii) of Policy 10 of the local plan.

It is noted that in order to provide one car parking space to the front of the proposed dwelling, some communal garden space of no. 138 to 140 Station Lane will be lost to ensure these neighbouring flats maintain three car parking spaces. It is considered the remaining communal garden space as a result of the proposals would be acceptable for the occupants of a 4 x 1-bed and 2 x 2-bed self-contained flat.

Overall, the layout of the proposed dwelling and the neighbouring 138 to 140 Station Lane is considered to be acceptable and is judged to overcome the second refusal reason for P0158.23.

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

The proposed development would introduce a detached dwelling on to Suttons Gardens.

The provision of a building of this size and form sought is not considered to be detrimental to the street-scene. Given it would benefit from a traditional hipped roof and projecting bay windows at both ground and first floor level, the proposed dwelling is considered to be informed by the character of other dwellings within the locality.

Therefore, although concerns were previously expressed as part of P0158.23 about the provision of a detached dwelling in this location having an adverse impact on local character, given the design of the proposal now better reflects the design of dwellings within the surrounding area, it is considered difficult to justify a refusal of the scheme owing to the fact that the proposal would be detached.

The proposal is thus considered to be acceptable from a design standpoint and so, the first reason for the refusal of P0185.23 is deemed to have been overcome.

No objections are raised to the removal of part of the existing pillar and railing to the side of 138 and 140 Station Lane.

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, in the event this application is approved, a condition is proposed to restrict permitted development rights of the proposed dwelling.

## **6.5 The impact of the development on neighbouring amenity**

Consideration has been given to the impacts of the proposed development on neighbouring amenity.

In terms of the relationship of the proposed dwelling to no. 2 Suttons Gardens, there is not considered to be any unacceptable loss of privacy or increased sense of overlooking which would be unneighbourly in planning terms. Whilst new views would be introduced, this is not considered to be significantly greater than overlooking from first floor rear windows that currently exists along this part of Suttons Gardens. This neighbouring property benefits from flank windows that would be affected by the proposed dwelling. According to the applicant, the ground floor flank window serves a staircase whilst the first floor ones (from front to back) serve a walk-in wardrobe, landing and bathroom respectively. Less weight is applied to the impact of the proposal on these windows. It is not considered that significant harm would be caused to the amenity of these flank windows through loss of light, outlook or privacy and although the window of the dwelling's proposed bathroom would directly face this neighbour's flank wall, as the submitted drawings indicate it would be obscure glazed, it is not judged to result in a loss of privacy to this neighbouring property's windows. Given the main mass of the proposed dwelling would share a front and rear building line with this neighbour, it is considered that any amenity impacts arising from the proposed dwelling in terms of loss of light, privacy, outlook and overshadowing would be within reasonable tolerances.



Although it is acknowledged that the dwelling would be readily visible from the first-floor rear windows of 138 and 140 Station, given the separation distance between the flank wall of the proposed dwelling and these neighbouring first-floor rear windows, it is not considered that the proposal would be harmful to the visual amenity of these neighbouring occupants from their windows or balconies nor that it would cause adverse amenity impacts to these neighbours in terms of loss of light, outlook and overshadowing. The proposal would benefit from a first-floor flank window that would directly face the rear garden environment of these neighbouring properties, but as a condition would be imposed in the event this application were approved stipulating that the window should be obscure-glazed and non-opening 1.70m above finished floor level, it is not deemed it would result in overlooking or a loss of privacy. The impacts of the proposed dwelling on these neighbours is thus judged as acceptable and, therefore, the third refusal reason of P0158.23 is considered to have been overcome by the revised scheme.

In terms of the impact of the proposed dwelling on nos. 134 and 136 Station Lane, the proposed dwelling would introduce new and clear views into the rear garden scenes of these properties. Whilst the rear of the proposed dwelling would be directly facing the rear garden environments of these neighbouring properties, the bedroom window of the proposed dwelling would be over 5.50m from the rear boundary of the site and its obscure-glazed study window over 4.50m away. This separation distance means it is considered there would be no significant overlooking or loss of privacy to the enjoyment of the rear garden environment of these neighbours. The impact of these proposals on the amenity of these neighbours is therefore considered to be within reasonable tolerances.

Owing to the separation distances between the proposed dwelling and all other neighbouring properties, it is not considered that the proposed development would present any undue impact on the residential amenity of these neighbouring houses.

Any noise 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.

## **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 may be more vehicles parked along Suttons Gardens 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.

No. 138 to 140 Station Lane currently benefits from three car parking spaces. This number would be maintained as a result of the proposals, thereby meaning the proposals are not considered to result in highways/parking issues for this neighbouring site.

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

For the reasons expressed above, it is not deemed the proposals would have harmful highway impacts and also that parking within the application site would be acceptable. Therefore, the fourth refusal reason of P0158.23 is considered to have been overcome.

## **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 will be required by condition. It is not considered that environmental issues relating to the removal of greenspace at no. 138 to 140 Station Lane, pollution or odor issues would be so significant so as to warrant a refusal of the scheme.

## **6.8 Financial and Other Mitigation**

The proposed development would create one new residential unit which cover a total of approximately 83.08m<sup>2</sup>, which is rounded down to 83m<sup>2</sup>. The proposal is liable for Mayoral and Havering CIL, will incur a total charge of £12,450. Mayoral CIL will be £2,075 based on the calculation of £25 per square metre and Havering CIL will be £10,375 based on the calculation of £125 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.