



# REGULATORY SERVICES COMMITTEE

25 April 2013

# REPORT

**Subject Heading:**

**P1155.12 – 64 Wingletye Lane,  
Hornchurch**

**Conversion of six bedroom house to 4  
no. one bedroom flats, external  
alterations, demolition of conservatory  
and part of single storey side  
extension (Application received 21<sup>st</sup>  
September 2012)**

**Report Author and contact details:**

**Simon Thelwell (Projects and  
Regulation) 01708 432685**

**Policy context:**

**Local Development Framework  
London Plan  
National Planning Policy**

**Financial summary:**

**None**

**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This report concerns an application for the conversion of a six bedroom house to 4 No. one bedroom flats, external alterations, demolition of conservatory and part of a single storey side extension. A Section 106 Legal Agreement is required in accordance with the Planning Obligations Supplementary Planning Document.

Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £12,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Agreement, prior to completion of the Agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that Agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Matching materials - All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

4. Landscaping - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:- In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

5. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. Cycle storage - Prior to completion of the development hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason:- In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

7. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the

satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

8. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. Obscure glazing - The ground floor shower room and bathroom windows and the first floor bathroom and en-suite windows on the rear façade of the building shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:- In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and the approved boundary fencing and/or screening installed and thereafter permanently retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

11. Secured by Design - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how Secured by Design accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

## INFORMATIVES

### 1. Reason for Approval

The proposal is considered to be in accordance with Policies CP1, CP2, CP17, DC2, DC3, DC4, DC33, DC35, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as The Supplementary Planning Document (SPD) for Residential Design. The proposal is also considered to be in accordance with the provisions of Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.13, 7.4 and 8.2 of the London Plan.

2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

3. Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request is needed.

4. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

5. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

6. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

## Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

### REPORT DETAIL

## 1. Background

- 1.1 This application was last brought to the 30<sup>th</sup> October 2012 Regulatory Services Committee where it was resolved that planning permission be granted for the conversion of the existing dwelling into 4 no. one bedroom flats, subject to a Section 106 Legal Agreement to secure a financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document. In regard to the Section 106 seeking financial contributions, the applicant, through their agent, has asked that consideration given to the fact that planning permission was granted for four dwellings on the application site and two of these have been constructed under application P0659.08. This extant planning permission can be implemented in its entirety with two dwellings replacing the subject dwelling, which would not be subject to any financial contribution. Given this fallback position, staff consider that the financial contribution of £6,000 shall only be applied to two of the four proposed flats and this change to the recommendation is subject to approval from Members. The main content of the report set out below is the same as that reported on 30<sup>th</sup> October except for Section 9, Planning Obligations.

## 2. Site Description

- 2.1 The application site is located on the junction of Wingletye Lane and Dury Falls Close. Dury Falls Close slopes downhill from north west to north east. There is a raised patio area to the rear of the dwelling with steps leading down to the rear garden. The site is presently occupied by a two storey detached dwelling. The site has a maximum frontage onto Wingletye Lane of approximately 26 metres and the whole site has a depth of approximately 45 metres. There is a 1.8m high timber paling fence and low brick wall on the front boundary of the site with shrubs and plants. There is a low brick wall with a 2 metre high hedge on the north eastern boundary of the site. There is a 1.8m high brick wall on the north eastern boundary of the site to the rear of the existing dwelling. The surrounding area is predominantly

residential in character, comprising of two storey detached, terraced and semi-detached properties. There is a public car park located opposite the site. There are two link detached dwellings with garages located to the rear of the application site.

### **3. Description of Proposal**

3.1 The application seeks permission for the conversion of a six bedroom house to 4 No. one bedroom flats, external alterations, demolition of a conservatory and part of a single storey side extension.

3.1.1 The proposal includes infilling the existing recessed porch area to create a cloak room and hallway. The external alterations include infilling a door and window to the flank wall of the existing utility room and creating a new door and window on its rear façade, which will serve the kitchen/dining room of the maisonette. The garage door on the front façade of the dwelling would be replaced with a door and window to serve the maisonette. Two arched windows on the north eastern flank of the dwelling would be removed. The proposal includes the creation of one ground floor and one first floor window on the front façade of the dwelling.

3.1.2 There would be one main entrance that would serve two ground floor flats and a first floor flat. There would be a maisonette on the ground and first floors with a separate entrance adjacent to the south western boundary of the site. There would be eight off street parking spaces on hardstanding including one disabled space.

### **4. Relevant History**

4.1 N0028.11 – Minor amendment request to P0659.08 – Approved.

P0659.08 – Construction of 2 no. 4 bedroom detached houses with detached garages and 2 no. link detached 3 bedroom houses with garages – Approved.

P0123.08 – Proposed construction of 2 no. 4 bedroom detached houses with detached garages and 2 no. link detached 3 bedroom houses with garages – Withdrawn.

P1169.05 – Demolition of existing detached house and outbuildings and construction of four, 2 bedroom houses and two 3 bedroom houses – Refused. Appeal dismissed.

P0019.96 – Single storey side/rear extension – Approved.

P1377.94 – Single storey side/rear extension – Refused.

### **5. Consultations/Representations**

- 5.1 The occupiers of 26 neighbouring properties were notified of this proposal. No letters of representation have been received.
- 5.2 Crime Prevention Design Advisor - Recommends a condition and informative if minded to grant planning permission.
- 5.3 The Highway Authority has no objections to the proposals and recommends informatives if minded to grant planning permission.
- 5.4 London Fire and Emergency Planning Authority - The Brigade is satisfied with the proposals.

## **6. Relevant Policies**

### 6.1 LDF Core Strategy Development Plan Document

CP1 – Housing Supply  
CP2 – Sustainable Communities  
CP17 – Design

### 6.2 LDF Development Control Policies Development Plan Document

DC2 – Housing Mix and Density  
DC3 – Housing Design and Layout  
DC4 – Conversions to residential and subdivision of residential uses  
DC11 – Non-designated sites  
DC33 – Car parking  
DC35 - Cycling  
DC61 – Urban design  
DC63 – Delivering safer places  
DC72 – Planning Obligations

Supplementary Planning Document (SPD) for Residential Design  
Planning Obligations Supplementary Planning Document

### 6.3 The London Plan

3.3 – Increasing housing supply  
3.4 – Optimising housing potential  
3.5 – Quality and design of housing developments  
3.8 – Housing choice  
6.13 – Parking  
7.13 – Safety, security and resilience to emergency  
7.4 – Local character  
8.3 – Planning obligations

### 6.4 National Planning Policy Framework

Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design



## **7. Staff Comments**

7.1 The main issues in this case are the principle of development, density and site layout, the impact on the streetscene, the impact on neighbouring amenity and any highway and parking issues.

7.1.1 Planning permission was granted for the construction of 2 no. 4 bedroom detached houses with detached garages and 2 no. link detached 3 bedroom houses with garages under planning application P0659.08. It is noted that the applicant has implemented planning permission P0659.08 by constructing two of the four houses approved under this consent. The proposed retention and conversion of the existing house would mean that the remaining two houses could not be constructed.

### **7.2 Principle of Development**

7.2.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria.

7.2.2 The site does not fall within any pertinent policy designated areas as identified in the Local Development Framework Proposals Map. It has been established, in land use terms, that the site is suitable for a housing development, particularly as a dwelling occupies the site and therefore, the principle of converting the six bedroom dwelling into 4 no. one bedroom flats is in accordance with policy criteria.

### **7.3 Density and site layout:**

7.3.1 The site is identified as having a relatively low level of Public Transport Accessibility (PTAL) of 1-2, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-50 dwellings is anticipated. The site identified comprises an area of 0.0674 hectares and the proposal would produce a density of 59 dwellings per hectare which is deemed to be acceptable.

7.3.2 In terms of the form of development, the proposal needs to be considered having regard to the provisions of Policy DC4 of the DPD which relates to proposals to sub-divide houses to provide more residential units. With regards to this policy, any proposal will be required to satisfy a number of criteria. These are that each flat should be of an adequate size, self contained with a reasonable outlook and aspect; should not materially reduce the privacy enjoyed by the occupants of adjoining properties; should provide a suitable degree of amenity space; and should meet required parking standards. Policy DC4 of the DPD also outlines the above and states that the living rooms of new units should not abut the bedrooms of

adjoining units. The specific criteria in terms of Policy DC4 are assessed throughout the course of this report.

7.3.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In this instance the four flats would benefit from a communal rear garden area of approximately 255 square metres, which includes paved seating areas for the three flats on the ground floor. There would be 1 metre high obscure glazed screens on the perimeter of the paved seating areas that are located on an elevated patio area, which would prevent any undue loss of privacy. Staff are of the view that the proposed rear garden area is acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

7.3.4 It is noted that the two houses to the rear of the site (approved under application P0659.08) had a rear garden depth of approximately 15 metres. The site layout for this planning application provides a rear garden depth of approximately 12 metres for these two dwellings, which is deemed to be acceptable.

7.3.5 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. This proposal is for the conversion of the existing dwelling into 4 no. one bedroom flats.

7.3.6 The London Plan seeks a minimum internal floor area of 50 square metres for a flat with one bedroom and 2 bed spaces. The three one bedroom flats would have internal floor areas of approximately 55, 65 and 68 square metres, which is acceptable. The one bedroom maisonette would have an internal floor area of approximately 87 square metres, which is acceptable.

7.4 Impact on local character and street scene:

7.4.1 No objections are raised the demolition of the conservatory and part of the single storey side extension. It is considered that the proposed external changes would integrate satisfactorily with the existing dwelling and the streetscene.

7.5 Impact on amenity

7.5.1 With regard to amenity issues, consideration should be given to future occupiers of these flats and also the amenity of the occupiers of neighbouring properties. Policy DC61 of the DPD states that planning permission will not be granted where the proposal results in unacceptable

overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

7.5.2 In respect of the sub-division, Policy DC4 states that applicants will normally be encouraged to provide living rooms in new units which do not abut the bedrooms of adjoining dwellings. It is considered that the internal layout of the flats complies with Policy DC4. It is considered that the flats have a reasonable outlook and aspect.

7.5.3 In terms of loss of privacy it is considered that the external alterations and converting the existing dwelling into four one bedroom flats would not add to the overlooking that currently exists. Following a site visit, it is noted that there is no boundary treatment between the two dwellings to the rear of the site and the application dwelling. Details of boundary fencing will be secured by condition if minded to grant planning permission.

7.5.4 It is considered that the proposal would not adversely affect No. 2 Lee Gardens Avenue or No.'s 7, 9, 11 and 15 Dury Falls Close, as they are located on the opposite side of the road. It is considered that the proposal would not adversely affect No.'s 10 to 26 Dury Falls Close, as their rear gardens provide a separation distance of approximately between 10 to 18 metres.

7.5.5 It is Staff's view that the proposal would not result in a significant loss of amenity to the two new dwellings to the rear of the application site (which front onto Dury Falls Close), as there would be a back to back distance of approximately 24 metres between the rear façade of the conservatories of these dwellings and the rear façade of the application dwelling. The first floor bathroom and en-suite windows on the rear façade of the building will be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission.

7.5.6 It is Staff's view that the proposal would not result in a significant loss of amenity to No.'s 6 and 8 Dury Falls Close, as they are sited at an oblique angle to the application site and there would be a minimum back to back distance of approximately 20 metres between the rear façade of No. 6 Dury Falls Close and the rear façade of the existing single storey rear projection of the existing dwelling.

7.6 Highway/parking issues

7.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum of 1.5 to 2 spaces per unit. The proposal complies with Policy DC2, as there would be eight spaces on hardstanding (including a disabled space), which equates to two spaces per flat. The Highway Authority has no objections to the proposals. The Fire Brigade is satisfied with the proposals.

## **8. The Mayor's Community Infrastructure Levy**

8.1 The application seeks consent for the conversion of the existing six bedroom house to 4 no. one bedroom flats, external alterations, the demolition of a conservatory and part of a single storey side extension and as such, is not liable for Mayoral CIL.

## **9. Planning Obligations**

9.1 A Section 106 Legal Agreement is required to secure a financial contribution to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document. In this case there is an increase in the number of residential dwellings by 3. However, in this case, there is a fallback position where planning permission P0659.08 is still capable of implementation, providing 2 dwellings. It is therefore considered that the appropriate increase in 2 dwellings, resulting in a Section 106 contribution of £12,000.

## **10. Conclusion**

10.1 The conversion of the dwelling into 4 no. one bedroom flats is considered to be acceptable in principle and no objections are raised to the demolition of the conservatory and part of a single storey side extension. It is considered that the external alterations would integrate satisfactorily with the existing dwelling and the streetscene. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The applicant has agreed to a financial contribution of £12k towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

Legal resources will be required for the drafting of a legal agreement.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

The Council's planning policies are implemented with regard to Equalities and Diversity.

**BACKGROUND PAPERS**

Application form, plans a design and access statement received on 21<sup>st</sup> September 2012 and revised plans submitted on 19<sup>th</sup> November 2012.