



**Havering**  
LONDON BOROUGH

## Planning Committee

8<sup>th</sup> February 2024

<b>Application Reference:</b>	<b>P0685.23</b>
<b>Location:</b>	<b>Land to the rear of 12-26 Harold Court Road, Romford</b>
<b>Ward:</b>	<b>Harold Wood</b>
<b>Description:</b>	<b>Variation of the approved siting of P0818.20 for 4 No. x 3 bedroom as built dwellings</b>
<b>Case Officer:</b>	<b>Adèle Hughes</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 REASON FOR RECOMMENDATION**

- 1.1 It is considered that the variation of the approved siting of P0818.20 for 4 No.x 3 bedroom as built dwellings is acceptable. The repositioned dwellings do not adversely affect the streetscene, neighbouring amenity or result in any highway or parking issues. This application is recommended for approval subject to conditions.

### **2 RECOMMENDATION**

- 2.1 That the Committee resolve to grant planning permission subject to conditions.
- 2.2 That the Director of Planning & Public Protection is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### **Conditions**

1. Accordance with plans – The development should not be carried out otherwise than in complete accordance with the approved plans.
2. Materials - The external wall and roof materials to be used in the construction of the dwellings hereby approved shall be those detailed in the Materials

section of the application form and on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

3. Boundary treatments - Prior to the first occupation of the dwellings hereby permitted, the existing brick boundary walls on the perimeter of the site shall be replaced with a 2m high close boarded timber fence, in accordance with details submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be retained permanently thereafter.
4. Landscaping - Prior to the first occupation of the dwellings hereby approved, 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 shall be submitted to and approved by the Local Planning Authority.
5. External lighting - Prior to the first occupation of the dwellings hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.
6. Hard surfaces to be porous - All hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.
7. Car parking – No dwelling shall be occupied until the areas for car parking and turning have been laid out and surfaced in accordance with the approved plans. These areas shall be retained permanently thereafter and shall not be used for any other purpose.
8. Cycle storage – No dwelling shall be occupied until cycle storage is provided in accordance with details to be submitted to and approved in writing by the Local Planning authority. The cycle storage shall be permanently retained thereafter.
9. Refuse/recycling – No dwelling shall be occupied until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.
10. No windows or roof windows and no dormer windows – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no windows or roof windows (other than those expressly authorised by this permission) shall be created and no dormer windows shall be constructed on any of the dwellings hereby permitted.
11. No upward extensions - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no upward extensions shall be constructed and no alterations, extensions or additions to the roof of any of the dwellings hereby permitted shall take place.
12. Obscure and fixed glazing – No dwelling shall be occupied until the large first floor bedroom windows in the rear elevation of the dwellings in Plots 1-4, as shown on Drawing No.'s 1918/02 Revision C and 1918/03 Revision B have been fixed and glazed with obscure glass of not less than level 4 on the standard scale of obscurity for the lower three quarters of their height. These windows shall thereafter be maintained as such.
13. Hours of construction

14. Electric vehicle parking
15. Fire hydrant - Prior to the first occupation of the dwellings hereby permitted, one fire hydrant shall be installed in the location shown on drawing No. 1918/01. The new hydrant reference number is 128930. The hydrant should be sited within a footpath - not in a grass verge, flower bed, carriage way or parking area.

#### **Informatives**

1. Approval following revision
2. Approval and CIL
3. Street naming and numbering

### **3 PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

- 3.1 The application site comprises of a parcel of land to the rear of No.'s 12-26 Harold Court Road, Romford. To the north east are the terraced houses of Harold Court Road, with some of the rear gardens abutting the application site and to the south-west are the rear gardens of the houses in Thurso Close. There is an access road to the site located between No.'s 26 and 28 Harold Court Road, which slopes away from Harold Court Road in a southwest direction.

#### **Proposal**

- 3.2 This is a variation of the approved siting of P0818.20 for 4 No. x 3 bedroom as built dwellings. In comparison with the dwellings allowed on appeal under planning application P0818.20, the dwellings on Plots 1 and 2 have moved 4 metres further from the side boundary of No. 10 Harold Court Road. The dwellings on Plots 3 and 4 have moved 4 metres closer to the side boundary of No. 28 Harold Court Road.
- 3.3 During the course of the application, revised plans were received. The main changes to the plans are summarised below:
  - The position of tree T2 has been amended from No. 14 to No. 16 Thurso Close.
  - A block plan showing the development in the context of the neighbouring properties in Thurso Close and Harold Court Road has been provided.
  - The existing brick boundary wall (on the perimeter of the site) will be replaced with a 2m high close boarded timber fence.Neighbours and consultees were re-consulted for 21 days.

#### **Planning History**

- 3.4 N0077.22 - Retaining dwellings as built – Withdrawn.

Q0282.21 - Discharge of Conditions 4 boundary walls, Condition 5 boundary treatment, Condition 6, Condition 15 Land contamination, Condition 17 Construction Method Statement from P0818.20 appeal reference APP/B5480/W/20/3262088 – All decisions issued.

P1531.21 - 2 x two storey, 3-bed dwellings, 1 x two storey, 3-bed dwelling, and 1 x two storey, 2-bed dwelling, with associated parking and amenity space, involving demolition of existing garage buildings – Withdrawn.

P0818.20 - Demolition of redundant garage buildings and the erection of 4no dwellings with associated access, parking and landscaping. Resubmission of application P1328.19 – Refused. Allowed on appeal.

P1328.19 - Demolition of redundant garage buildings and the erection of 4no. dwellings with associated access, parking and landscaping – Refused. Appeal dismissed.

It is noted that there is an enforcement case, reference ENF/110/22 for without planning permission the construction of 4 dwellings, which is under investigation and resulted in the submission of the current application.

#### **4 CONSULTATION RESPONSE**

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

4.2 Street naming and numbering - The application will require to be street named and numbered.

4.3 Thames Water – No comments.

4.4 StreetCare Department – A colleague in the StreetCare Department has met the developer on site. The access road is too narrow for a refuse collection vehicle. The walk from the bin store to the end of the drive is more than 25 metres. It is suggested that knee high bins are used and presented on the boundary of the drive on the collection date.

4.5 Fire Brigade Water Team – Consideration has been given to the provision of fire hydrants and it will be necessary to install one new fire hydrant. The proposed hydrant is to be installed in the location as indicated in red on the attached plan.

4.6 The Fire Brigade is not satisfied with the proposals in relation to the fire precautionary arrangements. However, it is noted that the Planning Inspectorate upheld an appeal for development of this site, P0818.20 and the above application is no worse for fire service access. It is noted that yet again the Planning Inspectorate was either not aware of the Fire Authority's concerns re access or did not consider it as a concern.

Officer response: The Fire Brigade was consulted on 16<sup>th</sup> June 2020 for planning application P0818.20, but according to Council records, no response was received.

4.7 Public Protection Department– It is noted that that there are minor amendments to the location/siting of the development compared to P0818.20,

and as such there are no comments to make from Public Protection, providing the required conditions as imposed by the Planning Inspectorate are included. However, it is noted that no condition regarding the requirement for ultra-low nox boilers was imposed by the inspectorate, and therefore it is recommended that the standard condition regarding these and the requirement for EVC to be included, to ensure that the development meets the Air Quality Neutral requirements of the London Plan.

4.8 Highway Authority – No objection.

## **5 LOCAL REPRESENTATION**

5.1 A total of 24 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: 26 (which consists of 26 objections).

5.3 This application has been called in by Councillor Wise on the grounds of the following planning matters:

- It's only right that residents get their say on this application as there have been numerous issues here and the council themselves put a stop order on the development.
- There are a number of reasons but one of the main ones is overlooking/loss of privacy/loss of light/overshadowing.
- The original application which was rejected by LBH Planning with one of the reasons being loss of privacy to the garden of No. 8 Harold Court Road. The Planning Inspector (on behalf of the Secretary of State for Levelling up, Housing and Communities) then approved as to address this concern the internal layout of plots 1 and 2 has been amended resulting in each dwelling having only one first floor bedroom window and one en-suite bathroom window facing the garden of No 8, as opposed to the two bedroom windows previously proposed. In addition to the partially obscure glazed window, the master bedrooms in plots 1 and 2 would also each have 2 high level roof lights.
- The original plans stated two high level obscure windows; the houses built have four low level clear windows. With the developer's disregard for the plans, we now have four windows looking directly into our garden, running from one garden border to the other. For all residents of both streets (Harold Court Road & Thurso Close) these houses represent a complete loss of privacy, not just No. 8 Harold Court Road that the appeal was approved on so for residents the appeal is void and should be re-evaluated
- In particular for the houses in Harold Court Road, whose gardens are now in complete shade, but even those in Thurso must be re-

considered for loss of light, with the houses now being in a different position to that approved.

- Also there is an issue of the boundary wall and the safety of this.

### **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

##### Impact on amenity

- The height of the two storey buildings.
- Overlooking.
- Loss of privacy.
- The original plans showed two high level obscure windows.
- Object to 4 clear glazed roof lights to all the dwellings, which are lower in the pitch of the roof. These windows need to be high level and obscured.
- Design with windows facing onto gardens.
- Loss of light.
- Overshadowing and loss of sunlight to the rear gardens of neighbouring properties (including No. 22 Harold Court Road).
- Layout and density of buildings – the site is too small for four houses.
- Drainage issues to neighbouring gardens.
- Queried where the street lighting will be placed, as this will affect neighbouring properties.
- Impact on neighbouring amenity and quality of life.
- The block plan doesn't show the neighbouring properties in Thurso Close.
- The dwellings are too close to neighbouring properties.
- Requested the Case Officer to visit their property.
- The new houses will have much smaller gardens.
- Vermin.
- Queried why the sunlight assessment was only carried out on one property, which doesn't have any outbuildings and is not directly opposite the plots.
- Queried why the sunlight assessment has not been carried out on neighbouring properties in Thurso Close.
- Queried why the sunlight assessment was carried out on Tuesday 21<sup>st</sup> March.
- Queried if the dwellings will be knocked down and built in the original positions, as per the Secretary of State's original approval.
- Queried if planning application P0818.20 had two bedroom houses, whereas the current application has 4 x three bedroom houses.

#### Conditions

- Appeal APP/B5480/W/20/3262088 was allowed on appeal subject to conditions and these conditions have not been followed by the developer.

#### Boundary wall

- There is no structural engineers report for the existing wall.
- Part of the garage wall has been demolished and badly repaired by the development and there are concerns regarding its impact on the safety of local residents and has affected the use of their rear gardens.
- Concerns regarding the broken garage walls, which may collapse and be harmful to people's safety.
- The Council need to enforce a complete re-build of the boundary wall. Reference was made to condition 4 of the appeal decision for planning application P0818.20, which states that "Within 1 month of the existing garages being demolished new boundary walls, to replace those currently formed by the existing garages, shall be constructed along the external site boundaries (to the rear of Harold Court Road and Thurso Close) in accordance with the details that shall first be submitted to and approved in writing by the Local Planning Authority".
- Queried if the structural engineers report has been created by a Certified Structural Engineer and what their qualifications are. Queried if the foundations of the brick garage wall conform to current building regulations. It is alleged that there are inaccuracies in the structural engineer report, which states that "We found no evidence of any excessive movement or rocking to the walls".
- Requested the developer to carry out an independent survey report regarding the retained garage walls.
- The existing boundary wall is 2.5m high and a structure of a similar height should be installed.
- The replacement of the walls at the bottom of the neighbouring gardens with a 2m high fence is not suitable, as it doesn't offer enough security or stability and could be easily damaged.
- Queried who will be responsible for the boundary walls/fences on the boundaries of the site.

#### Impact on trees

- It is alleged that the developer has ignored the Arboricultural Impact Assessment and Method Statement, which is resulting in harm to the existing trees.
- Proximity of the trees to the dwellings (and their foundations) and concerns that more trees will need to be removed, so branches don't obstruct the windows of the dwellings.
- Queried if the new position of the houses has been taken into account in relation to mature trees when constructing the foundations.
- Concerns that works to the trees have not been carried out by qualified Tree Surgeons.
- Tree T2 (willow tree) is incorrectly shown in No. 14 Thurso Close, instead of No. 16 Thurso Close. Queried if the tree roots will affect the houses.

### Building Control

- It is alleged that private Building Control (Approved Inspector) is not inspecting the site. The Council's Building Control Department should take over and inspect the site.
- Queried if fire resistant materials have been used in the build, as the houses are closer to the trees.
- There is not adequate fire protection for new or existing residents, with only a sprinkler system fitted and no access for a fire engine.

### Parking, highway and access

- Parking.
- Highway safety.
- Traffic.
- Access to the site is not suitable for large vehicles, deliveries or emergency services.
- Queried if refuse lorries will access the site.
- There is only one access to the site and queried if this will be safe for pedestrians and vehicles at night with no street lighting.

### Ecology

- Nature conservation – bats and hedgehogs live in neighbouring gardens.
- Queried if a bat survey has been carried out.

### **Non-material representations**

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

- Loss of views.
- The original plans were rejected three times until they were eventually passed. If they were previously rejected, it was queried if the site is unsuitable for development.
- The application is retrospective.
- May prefer two single storey properties.
- Disruption and traffic during construction works.
- Impact on property value.
- Damage to neighbouring property and trees.
- Traffic and access issues during construction.
- Reference was made to party wall agreements.
- It is alleged that private Building Control (Approved Inspector) is not inspecting the site. The Council's Building Control Department should take over and inspect the site.
- If previous applications were rejected, then the site is unsuitable for development.

## **6 MATERIAL PLANNING CONSIDERATIONS**

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

- The principle of development, density/site layout, the impact on the streetscene and impact on amenity, any highway or parking issues arising from the proposed development and trees.



### **Principle of development**

- 6.2 On the 19<sup>th</sup> December 2023, the Government published the Housing Delivery Test result for 2022. The Housing Delivery Test Result for 2022 is 55%. In accordance with the NPPF the "Presumption" in favour of sustainable development due to housing delivery therefore applies.
- 6.3 In terms of housing supply, based on the latest (2019) Housing Trajectory, 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.
- 6.4 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."
- 6.5 The Council is committed to an immediate update of the Local Plan and this is set out in the Council's Local Development Scheme. An update to the trajectory is being prepared but there is no firm date for the work to be completed. Therefore, in the meantime whilst the position with regard to housing supply is uncertain, the "Presumption" due to housing supply is applied.
- 6.6 The Presumption refers to the tilted balance set out 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.
- 6.7 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.
- 6.8 The dwellings offer a modest contribution to housing supply and delivery and this would weigh in favour of the development. The principle of development was previously approved under planning application P0181.20, which was allowed on appeal.

### **Quality of accommodation for future occupiers**

- 6.9 The proposed dwellings would each have a gross internal floor area of 106 square metres, which meets the minimum gross internal floor area of 93 square metres for a two storey, three bedroom, 5 person dwelling contained in the Technical Housing Standards. The proposal meets the remaining criteria of the DCLG Technical Housing Standards. It is considered that the dwellings receive adequate natural light and outlook.
- 6.10 Policy D6 of the London Plan states that “Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m”. The dwellings have access to adequately sized private gardens of between 47 and 132 square metres. The rear garden area shown would significantly exceed the minimum standard set by the London Plan. It is considered that the amenity space provision is acceptable. The plans show a 2m high close boarded fence separating the gardens of the dwellings. Although condition 6 (landscaping) was discharged in part under application Q0282.21, given that the siting of the dwellings has changed, a landscaping condition will be imposed if minded to grant planning permission. The existing brick boundary wall on the perimeter of the site would be replaced with a 2m high close boarded timber fence, details of which will be secured by condition if minded to grant planning permission.

### **Impact on the streetscene**

- 6.11 It is considered that the dwellings are not directly visible in the streetscene, given the backland nature and siting of the development. The development is largely screened by No.'s 12-26 Harold Court Road. The materials comprise of Marley smooth grey concrete interlocking roof tiles, white silicone render, gunmetal grey windows and vertical timber composite oak finish cladding, which are deemed to be acceptable.

### **Impact on residential amenity**

#### **Daylight/sunlight**

- 6.12 It is considered that building the dwellings approximately four metres further forward (to the south east) in the site, than the dwellings allowed on appeal under planning application P0818.20, has not resulted in material harm to neighbouring dwellings. The size and height of the dwellings are the same as planning application P0818.20. A Daylight, Sunlight and Overshadowing Assessment for surrounding properties was submitted with the application, which concluded that the proposed development would not greatly impact on the daylight and sunlight of neighbouring properties.
- 6.13 There is a minimum and maximum separation distance of approximately 16-19 metres between the flank wall of the dwellings in Plots 1 and 3 and No.'s 10-26 Harold Court Road (including the rear access to their rear gardens, which is outside of the site). There is a minimum and maximum separation distance of approximately 30-32 metres between the flank wall of the dwellings

in Plots 2 and 4 and No.'s 14-28 Thurso Close. Staff consider these relationships to be acceptable.

- 6.14 The separation distances between the flanks of the dwellings and the side boundaries of the site remain unchanged. There is a separation distance of between approximately 1 metre and 2.9 metres between the flank wall of the dwellings in Plots 1 and 3 and the north eastern boundary of the site. There is a separation distance of between approximately 1 metre and 3.3 metres between the flank wall of the dwellings in Plots 2 and 4 and the south western boundary of the site.
- 6.15 According to the plans, there is a separation distance of between approximately 10-12.5 metres between the rear elevations of the dwellings in Plots 2 & 1 respectively and the north western boundary of the application site which is the side boundary to the rear garden at 10 Harold Court Road. According to the plans, there is a separation distance of between approximately 11 and 14 metres between the rear elevation of the dwellings in Plots 3 and 4 and the south eastern boundary of the site, which is the side boundary to the rear garden at 28 Harold Court Road. Taking these separation distances into account, Staff consider these relationships to be acceptable.

#### Overlooking and loss of privacy

- 6.16 For planning application P0818.20, there were two first floor windows on the rear elevation of Plots 1 and 2, which served Bedroom 1 and an en-suite. A condition was imposed by the Planning Inspector on the appeal decision, which stated that "No dwelling shall be occupied until the large first floor bedroom windows in the north west elevation of the dwellings in Plots 1 and 2.... have been fixed and glazed with obscure glass of not less than level 4 on the standard scale of obscurity for the lower three quarters of their height. These windows shall be maintained as such".
- 6.17 The dwellings allowed on appeal under planning application P0818.20 each had four roof lights, which were secondary light sources to Bedrooms 1 and 2 and were 1.564m above the finished floor level of the dwellings. The appeal decision for P0818.20 stated that "The master bedrooms in plots 1 and 2 would also each have 2 high level roof lights, which given their height would not need to be fixed or obscure glazed". The appeal decision stated that the Inspector did "not consider it necessary to... require non habitable bathroom windows or high level roof lights to be obscure glazed or permanently fixed shut".
- 6.18 The internal layout of the dwellings remains the same as planning application P0818.20. There are two first floor windows on the rear elevation of Plots 1-4, which serve Bedroom 1 and an en-suite. A condition can be imposed stating that "No dwelling shall be occupied until the large first floor bedroom windows in the rear elevation of the dwellings in Plots 1-4, as shown on Drawing No.'s 1918/02 Revision C and 1918/03 Revision B have been fixed and glazed with obscure glass of not less than level 4 on the standard scale of obscurity for the lower three quarters of their height. These windows shall thereafter be maintained as such" if minded to grant planning permission. The en-suite

windows on the rear elevations of Plots 1-4 are shown as being obscure glazed on the plans.

- 6.19 The dwellings for this application each have four roof lights, which are secondary light sources to Bedrooms 1 and 2 and the cill of the roof lights are located 1.72m above the finished floor level of the dwellings. The Case Officer has visited the site with an Enforcement Officer and has viewed the dwellings internally. It is considered that the roof lights of the dwellings do not result in overlooking or loss of privacy to neighbouring properties, as they are high level. It is noted that the Inspector did not consider it necessary to require the high level roof lights to be obscure glazed or permanently fixed shut, which were 1.564m above the finished floor level of the dwellings. Therefore, it is considered that it is not reasonable or necessary to require the roof lights to be obscure glazed or fixed shut by condition.

#### Permitted development rights

- 6.20 The appeal decision for planning application P0818.20 stated that permitted development rights were removed for upward extensions, roof extensions, dormer windows and flank windows “to ensure that development remains low rise and does not result in unreasonable level of overlooking”. However, the Inspector did not consider it necessary to remove all permitted development rights. Conditions can be imposed to state that no windows or roof windows (other than those expressly authorised by this permission) shall be created and no dormer windows shall be constructed on any of the dwellings hereby permitted and to ensure no upward extensions shall be constructed and no alterations, extensions or additions to the roof of any of the dwellings shall take place if minded to grant planning permission.

#### Boundary treatments and security

- 6.21 Condition 4 of the appeal decision for planning application P0818.20 stated that “Within 1 month of the existing garages being demolished new boundary walls, to replace those currently formed by the existing garages, shall be constructed along the external site boundaries (to the rear of Harold Court Road and Thurso Close) in accordance with details that shall first be submitted to and approved in writing by the local planning authority”.
- 6.22 Condition 5 of the appeal decision for planning application P0818.20 stated that “Details of all other boundary treatments, not covered by condition 4, shall be submitted to and approved in writing by the Local planning authority prior to their commencement and shall be completed in accordance with the approved details prior to the first occupation of the dwellings hereby approved”.
- 6.23 Details of boundary walls and boundary treatments for conditions 4 and 5 were submitted under application Q0282.21. Representations were received from some residents who had concerns regarding a fence on the boundaries of the site and expressed a preference for the flank garage walls on the perimeter of the site to be retained. Following negotiations with the agent, revised plans were received for Q0282.21, which showed the existing brick wall forming the rear of the garages to remain as existing and structurally enforced as engineer

specification and existing fence panels to be replaced with new close boarded panels 1.8m in height with 0.3m high trellis above.

- 6.24 Representations have been received with concerns regarding the very poor condition of the garage walls and the impact on people's safety. Following negotiations with the agent, the plans show that the existing brick boundary wall (on the perimeter of the site) will be replaced with a 2m high close boarded timber fence and details of this will be secured by condition if minded to grant planning permission.
- 6.25 Condition 17 of the appeal decision for planning application P0818.20 requested the submission of a construction method statement and this was discharged in part under application Q0282.21.

#### Other matters

- 6.25 The appeal decision for P0818.20 stated that "Owners and occupiers of multiple dwellings in the immediate surrounding area have strongly objected to the proposal, primarily on the grounds of highway safety (access, traffic, parking and emergency and refuse vehicle access), living conditions (overlooking, loss of light, loss of privacy, loss of outlook), effects upon trees and local wildlife, the effect on the character and appearance of the area, security concerns and disturbance during the construction phase of the development. These matters were considered in detail by the council and were found not to be justifiable reasons for refusals. I concur with these findings, subject to suitable conditions, which would mitigate those concerns". It is considered that the impact of the dwellings on the living conditions of neighbouring properties is the main consideration for this application.

#### Highway/Parking

- 6.26 The site has a PTAL of 2. Since planning application P0818.20 was determined, planning policy has changed and the level of car parking provision has reduced from 1.5-2 parking spaces per dwelling to a maximum parking standard in Outer London 2-3 of up to one space for a 3+ bedroom unit. Although there are two car parking spaces per dwelling, this level of car parking provision is deemed to be acceptable in this instance, as it reflects an already approved position. The access to the site remains unchanged. The Highway Authority has no objection to the proposal. It is considered that the application does not create any highway or parking issues.
- 6.27 Policy T6.1 (Residential parking) of the London Plan states that "Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with Policy T6 .1 Residential parking". A condition will be imposed stating that " All residential parking spaces within the development hereby approved shall include provision of infrastructure for electric or Ultra-Low Emission vehicles, of which a minimum of two spaces shall have active charging facilities, with passive provision for all remaining spaces. Such provision is to be made prior to the first occupation of the dwellings hereby permitted.  
Reason: Provision prior to first occupation of the proposed dwelling hereby permitted will ensure that the development adequately incorporates measures

to allow the use of electric vehicles by future occupiers in accordance with Policy T6.1 of the London Plan" if minded to grant planning permission.

- 6.28 Whilst the proposed location of the bicycle and bin storage enclosures have been shown on the site plan, no elevations or materials have been provided for these structures and therefore these details will be secured by condition if minded to grant planning permission.
- 6.29 The access road would be resurfaced in permeable tarmac. A condition will be imposed to ensure that all hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site in order to ensure no water run-off from the hard surface which would contribute to risk of flooding if minded to grant planning permission.

### **Trees**

- 6.30 There are no trees with Tree Preservation Orders on the site. An Arboricultural Impact Assessment and Method Statement was submitted and secured under condition 7 of appeal decision for P0818.20. The dwelling in Plot 4 is located closer to the existing tree T2 (weeping willow). The agent has confirmed that the development and works to the trees have been carried out in accordance with the Arboricultural Impact Assessment and Method Statement, Revision A, dated August 2019 (which was submitted for planning application P0818.20). The agent has advised that there is no need to carry out any further works to the trees adjacent to the site. It is considered that an Arboricultural Method statement condition is not required, as the dwellings have already been built.

### **Contamination, ultra-low NOx boilers, water efficiency & minor space standards**

- 6.31 Condition 15 of the appeal decision for planning application P0818.20 requested an assessment of the risks posed by any contamination and this was discharged in full under application Q0282.21. Therefore, it is not necessary to impose a condition regarding contamination.
- 6.32 The Inspector for P0818.20 did not impose conditions regarding ultra-low NOx boilers, water efficiency or compliance with any other Building Regulations and therefore, these have not been secured by condition for this application.

### **Financial and Other Mitigation**

- 6.32 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
- £10,400 Mayoral CIL towards Crossrail
  - £52,000 Havering CIL

## **7 Equalities**

- 7.1 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 7.2 The application, in this case, raises no particular equality issues.

### **Conclusions**

- 8 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.