



Havering
LONDON BOROUGH

Planning Committee

18 April 2024

Application Reference:	P1413.23
Location:	Land adjacent to 7 Ferndown, Hornchurch
Ward:	St Andrew's
Description:	Erection of a 1 x 2-bed bungalow with associated works
Case Officer:	Kelvin Naicker
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 The proposed dwelling would be acceptable from a design standpoint and would not have a detrimental impact on the surrounding street scene.
- 1.2 Furthermore, the scale and sitting of the proposed dwelling would not result in material harm to neighbouring amenity.
- 1.3 The proposed dwelling would not have an adverse impact on the highway or parking along Ferndown.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to suggested planning conditions:
- 2.2 That the Director of 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 (Pre-Commencement)
4. SC11 – Landscaping (Pre-Commencement)
5. SC13B – Boundary Treatment (Pre-Commencement)
6. NSC31 – Flank Window
7. SC46 – Standard Flank Window Condition
8. SC06 – Parking Provision
9. SC96 – Electric Vehicle Parking
10. SC89B Hard Surface Porous/Run-off
11. Refuse Storage Condition (Compliance)
12. Cycle Storage Condition (Compliance)
13. SC45A – Removal of Permitted Development Rights
14. Non-Standard Condition – Hours for Demolition, Construction Works or Deliveries
15. SC86 – Minor Space Standards Condition
16. SC87 – Water Efficiency Condition
17. Ultra-Low NOx Boilers Condition (Compliance)

Informatives

1. Approval and CIL
2. INF27 – Highways Informatives
3. INF37 – Street Naming and Numbering
4. INF29 – Approval following Revision

3 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 3.1 The application site features the land adjacent to 7 Ferndown. It includes land to the rear of 243 Wingletye Lane.

Situated in Sector 4 of the Emerson Park Policy Area, it is neither listed nor within a Conservation Area.

Proposal

- 3.2 Planning permission is sought for the erection of a 1 x two storey, 2-bed, detached dwelling with associated works.

A dwelling with two car parking spaces was originally proposed as part of the application. However, concerns were raised that there would be insufficient space for two cars to manoeuvre within the site meaning cars would have to reverse down the hardstanding path in order to exit the site. It was suggested that the car parking layout be revised so as for the number of spaces proposed

within the site to be reduced to one and to also replace the soft landscaping proposed directly to the front of the dwelling with hardstanding to provide more space for vehicles to manoeuvre within the site. The agent agreed to this amendment.

Concerns were also raised about the amenity impacts of the proposed developments on no. 9 Ferndown, particularly in relation to loss of day and sunlight. Specifically, the scheme originally proposed as part of the application (with a gabled roof) would have infringed upon a 25 degree notional line taken from the 2m high point of no. 9's flank windows facing the proposed dwelling. The applicant was thus advised to revise the scheme so as for it to feature a hipped roof instead. The agent agreed to this amendment.

Given these changes lessened the impacts of the proposal on neighbouring properties (reducing its bulk, scale and mass), it was not considered necessary to re-consult the neighbours about the amended proposals.

Planning History

7 Ferndown

- P1283.23 - Single storey rear extension, raise ridge height to create first floor accommodation (Approved with Conditions)
- P0503.23 - Single storey rear extension (Approved with Conditions)

243 Wingletye Lane

- P1608.22 – Single storey rear extension and first floor rear infill extension (Approved with Conditions)
- D0498.22 – Conversion of loft space to habitable room involving installation of side and rear dormers with and front roof lights. Application for a Certificate of Lawfulness for Proposed Development. (Planning Permission Not Required)
- P1151.93 – Vehicle Crossing (Approved with Conditions)

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

- ❖ Historic England (GLASS) – Not considered that it is necessary for this application to be notified to Historic England's Greater London Archaeological Advisory Service.
- ❖ 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 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 Ferndown on the scheduled collection day.
- ❖ LBH Street Name and Numbering - Application will be required to be street named and numbered.
- ❖ LBH Highways – Doubtful that the addition of one bungalow would cause a severe increase in congestion, noise, nuisance, the number of vehicles using the highway or prejudice the free flow of traffic.

In relation to the original proposals, concerns were expressed by LBH Highways about the ability for vehicles to turn within the site and leave in forward gear. However, the revised parking layout described in section 3.2 above was subsequently considered acceptable to Highways.

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: 21 of which, 21 objected

5.3 The following Councillor made representations:

Councillor Laurence Goddard wishes to call the application in for the following reasons:

1. Concerned about access and turning for vehicles to the proposed property
2. Frontage not in accordance with the Emerson Park Special Planning Policy
3. Proposal would represent over crowding, over development and be of an "infill" nature

4. Proposal would be in breach of a covenant on the deeds to the property 243 Wingletye Lane which specifically excludes the building of any additional houses on the existing plot

Representations

- 5.4 The following issues were raised in representations that are material to the determination of the application. They can be summarised as follows and are addressed in substance in the next section of this report:

Objections

- Proposal would have an adverse impact on the character and appearance of the area
- Concerned proposal would amount to overdevelopment
- Loss of garden land would be unacceptable
- Concerned too many properties in one area of road
- Trees have been removed from garden land of 243 Wingletye Lane. Area used to contribute to pleasant appearance of this section of road.
- Proposal would not accord with Emerson Park Policy Area policies
- Concerns proposal would be overbearing, about overlooking, overshadowing, loss of daylight and outlook and light pollution
- Concerns proposal would breach the 25 and 45 degree rule
- Concerned about noise and disturbance from people entering and exiting the site
- Increased number of vehicles would result in poor air quality
- Concerned about impacts on highways and pedestrian safety in terms of the safety and free flow of traffic and traffic congestion.
- Proposed driveway would exacerbate issues such as safety hazard, nuisance and loss of amenity
- Proposal would result in more on-street parking
- Concerned there would be insufficient space for vehicle turning and for a separate pedestrian footpath
- No existing permanent access route from road to proposal
- Would infringe on right to a private family life and home under Article 8 of the Human Rights Act 1998
- Proposal would impact protected species and result in a net loss of biodiversity
- Effects on surface water
- Impacts on collection of refuse; no provision for refuse storage

A petition of objection from several residents within Ferndown was also received during the application process.

RESPONSE: It is noted that trees have been removed from the rear garden of 243 Wingletye. With regards to the proposals infringing upon a right to private family life and home under Article 8 of Human Rights Act 1998, the amenity impacts of the proposals is a material planning consideration and so will be considered below. All other issues expressed above will be addressed below.

Non-Material Representations

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

- Concerned whether a sustainable drainage system can be adopted as well as about connection to the main sewer to dispose of foul waste
- Concerns about noise and disturbance from delivery vehicles and that manoeuvrability of large vehicles would cause trespassing onto neighbouring front garden and damage paving
- Impacts on broadband internet service
- Breach of covenants contained in land registry title deeds of both 243 Wingletye Lane and 7 Ferndown
 - RESPONSE: Such matters are not a material planning consideration

Procedural Issues

The following procedural issues were raised in representations:

- 'Pedestrian and Vehicle Access, Roads and Rights of Way' section of the application form incorrectly filled out
 - RESPONSE: It is considered that this part of the application form is correctly filled out
- Incorrect ownership certificate provided
 - RESPONSE: It was confirmed in an email to the case officer on 28/03/2024 that the applicant is the sole owner of the application site and has been so for at least 21 days. As such, it is considered that the correct ownership certificate has been signed.
- 'Other Residential Accommodation' section of the application form incorrectly filled out.
 - RESPONSE: It is considered that this part of the application form is correctly filled out

Other Issues

The following other issues were raised in representations:

- Concerns about existing temporary track
 - RESPONSE: Such issues are not a planning matter

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

On the 19th 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" due to housing delivery therefore applies.

In terms of housing supply, based on the latest 2024 Housing Trajectory, Havering is able to demonstrate 3.4 years 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 update of the Local Plan and this is set out in the Council's Local Development Scheme. Therefore, in the meantime whilst the position with regard to housing supply is uncertain, the "Presumption" due to housing supply is applied.

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.

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.

The proposed development would offer a modest contribution to housing supply and delivery and this would weigh in favour of the development.

The acceptability of the submissions for residential developments on garden and backland sites within the borough is also 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) and (iv) of Policy 10. Matters relating to parts (ii), (iii), (v) and (vi) 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 2021 London Plan to the proposals, the proposed dwelling would meet the required Gross Internal Area (GIA) for a 2 storey 2B4P unit as well as with regards to bedroom sizes

and floor-to-ceiling heights. It would not benefit from any built-in storage space but officers do not consider this to be a reason to refuse the scheme given the internal floor area requirements for a 2B4P unit would be largely exceeded. In sharing a front and rear building line with no. 9 Ferndown, the proposed dwellings would have dual aspect with adequate outlook and daylight/sunlight in the opinion of officers. The internal layout of the proposal is thus judged as acceptable.

New dwellings must also demonstrate an acceptable arrangement of private amenity space. To that end, the proposed dwelling would have an area of approximately 134sqm of rear outdoor amenity space. 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 within the locality (for example, nos. 3 and 9 Ferndown benefit from rear gardens around 14m deep whilst compared to no. 11 Ferndown has a rear garden about 11m deep and the rear garden of no. 241 Wingletye Lane is around 18m in depth), it is not considered that the 9m depth of the proposed dwelling's rear garden environment would be out of keeping with the established pattern of rear garden environments in the immediate area.

It is noted that to facilitate the proposed development, some rear garden space of no. 243 Wingletye Lane would be lost. Based on the plans submitted as part of the application P1608.22 for that property, that dwelling benefits from 4 bedrooms with space for 7 residents. It is considered the remaining garden space at this property as a result of the proposals (over 300sqm) would be acceptable for the occupants of this dwelling.

Overall, therefore, it is deemed that that the subdivision of the site would be acceptable in terms of its size in relation to others in the locality. As a result, the proposal is considered to comply with part (ii) of Local Plan Policy 10.

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

The proposed development would introduce a detached bungalow into Ferndown.

The application site is located in sector 4 of the Emerson Park Policy Area. The Emerson Park Policy Area Supplementary Planning Document does not preclude any infilling but instead indicates that this sector contains "... in the main medium sized family houses and there is little scope for any further infilling. Development must comprise detached single family, individually designed dwellings".

The proposed dwelling would benefit from a hipped roof and would be set in adequately from its side boundaries, by over 1.50m on both sides.

Given the wide variety of the design of dwellings contained within Ferndown, ranging from two storey detached and semi-detached properties to detached bungalows, the provision of a building of this size and form sought is not considered to be detrimental to the street-scene.

The proposed dwelling is not deemed to amount to an overdevelopment of the site and nor is it considered that Ferndown would be overcrowded with dwellings in the event that the proposal is implemented. Whilst it is acknowledged that it would benefit from a small frontage, given the range in the depths of frontages of properties along Ferndown, this is not considered to be so harmful so as to warrant a refusal of the scheme.

The proposal is thus considered to be acceptable from a design standpoint and would be in-keeping with this part of the Emerson Park Policy Area through maintaining the locality's distinctive character of detached single family, individually designed dwellings.

In the event the application is approved, pre-commencement conditions will be imposed requiring the submission of samples of all materials to be used in the external construction of the building as well as details about hard and soft landscaping to be submitted to and approved by the Local Planning Authority to ensure the proposed development harmonises with the character of the surrounding area and achieves a satisfactory landscape quality.

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 the application is approved, a condition will also be imposed that restricts 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. 9 Ferndown, it is noted that this neighbouring property benefits from flank windows that would be affected by the proposal. Based on the drawings that were approved as part of the planning application for extensions to that neighbouring property in 2006 (application reference: P1753.06), these windows serve a lounge. Given the separation distance of the proposal from these neighbouring windows as well as the fact that a 25 and 45 degree notional line taken from the 2m high point of the windows would not be infringed upon by the proposal, there is not considered to be a significant loss of light or outlook which would be unneighbourly in planning terms.

As for the impact of the proposal on no. 7 Ferndown, it is noted that this neighbour is currently a detached bungalow but benefits from an extant planning permission for a rear extension and the raising of its ridge height to create a two storey dwelling (application reference: P1283.23). The proposal would be visible from this neighbour, both in its current form and once extended, but given the separation distance between the flank wall of the proposal and this neighbouring dwelling, it is not considered that the proposal would be harmful to the visual amenity of these neighbouring occupants from their

windows nor that it would be harmful to their amenity in terms of loss of light, outlook and overshadowing.

It is noted that the proposed dwelling would benefit from flank windows that would serve a shower room, bathroom and lounge/dining area. Given a condition will be imposed requiring these windows to be obscure glazed and non-opening 1.70m above finished floor level in the event this application is approved, it is not considered they would give rise to overlooking or loss of privacy.

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

The proposed development is for a single family dwelling within a residential area. Therefore, it is not deemed that any noise and disturbance from individuals entering and exiting the site would be so harmful so as to warrant a refusal of the scheme.

For the reasons given above, it is not judged that the proposed development would be unneighbourly and therefore it would comply with part (iii) of Local Plan Policy 10.

Were this application to be approved, 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, a pre-commencement condition requiring the submission of details about all proposed walls, fences and boundary treatment to the Local Planning Authority for approval would also be imposed in the event this application to protect the visual amenities of the development and prevent undue overlooking of adjoining properties.

6.6 Parking and Highway Implications

The Public Transport Accessibility Levels (PTAL) rating for the site is 1b which translates to very poor access to public transport. Policy 24 of the Local Plan indicates that 2 bedroom units situated within an outer London area with a PTAL of 1b should benefit from a minimum 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.

In the absence of evidence that there are significant parking problems in the street, as the minimum parking standards for a dwelling of this size would be

met, it would be difficult to argue that the proposal would result in detrimental impact on on-street parking in the vicinity of the site.

There is judged to be adequate space within the site for a car to turn and exit in forward gear.

It is also not deemed that the proposal would be detrimental to the safety and free flow of traffic or result in traffic congestion.

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.

6.7 Environmental and Climate Change Implications

It is acknowledged that the proposed development may have an impact on biodiversity and species that currently exist at the application site, but there is no evidence that the site contains any protected species (which if discovered are protected under separate legislation) and the existing landscaping within the site is not protected and so could be removed at any time without consent. It is therefore considered that any environmental issues relating to the impacts of the proposals on species and biodiversity would not be so significant so as to warrant a refusal of the application. Consequently, the proposal is considered to comply with part (v) of Local Plan Policy 10.

Any impacts of the proposal on surface water are not considered to be so significant so as to warrant a refusal of the scheme.

Given the limited scale of the proposals, no specific measures to address climate change are required to be secured in this case. Were this application to be approved, electric vehicle parking will be required by condition to minimise the impact of transport emissions on local air quality.

6.8 Financial and Other Mitigation

The proposed development would create one new residential unit which cover a total of approximately 77.60m², which is rounded up to 78m². The proposal is liable for Mayoral and Havering CIL, will incur a total charge of £11,520. Mayoral CIL will be £1,950 based on the calculation of £25 per square metre and Havering CIL will be £9,570 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.