



Havering
LONDON BOROUGH

**Planning
Committee
6 February 2025**

Application Reference:	P1456.23
Location:	42 Dymoke Road, Hornchurch
Ward	St Albans
Description:	Partial demolition of existing commercial building and conversion of retained building fronting Dymoke Road into two no. dwelling houses with pitched roof, rear dormer windows and shared rear projection.
Case Officer:	Cole Hodder
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 dwellings would not result in any demonstrable material planning harm to amenity, local character or highway safety and would make a contribution to unmet housing delivery. The development would comply with the objectives of the Local Plan as well as the London Plan, NPPF and PPG.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to:
- 2.2 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- Time Limit – 3 Years
- Accordance with Plans
- Materials Samples
- Boundary Treatment
- Landscaping
- Provision of parking
- Removal of permitted development rights
- Cycle Storage
- Refuse Storage
- Flank window condition
- Demolition & Construction Methodology Statement (Pre-commencement)
- Hours of construction
- Accessible dwelling
- Hard surfaces to be porous
- Water usage
- NOx Boilers
- Electric Vehicle Charging Points
- Contaminated Land 1 (Pre-commencement)
- Contaminated Land 2 (Pre-commencement)

Informatives

- Approval and CIL
- Highways informative
- UKPN informative

3 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 3.1 Application site is comprised of a commercial building fronting Dymoke Road at the corner of Dymoke Road and Kyme Road. The subject building has a flat roof and shares a front rear building line with the adjoining residential property. A pitched roof element adjoins the building and stretches back into the site.
- 3.2 The full extent of the site is covered in built development or hard-standing. Whilst there is a designated industrial location beyond the boundaries of the site to the rear, the application site itself is not within any area of specific designation and the commercial element is somewhat of an anomaly. The site is neither listed, nor within a Conservation Area.
- 3.2 The surrounding area is predominantly residential, to the rear of the site is a designated industrial area as indicated but the subject building/site is outside of its established curtilage. The subject building is adjoined by an existing dwelling and shares a border with a shared access/the rear gardens of properties fronting Craigdale Road. There is a mixture of building types on Dymoke Road/Kyme Road with examples of semi-detached pairs, two storey terraced rows as well as detached buildings of varying scale.

Proposal

- 3.2 Consent is sought for the partial demolition of the existing commercial building and the conversion/alteration of the retained building to form two self-contained dwellings and associated amenity space. The dwellings would feature a pitched roof, rear dormer windows and shared rear projection.
- 3.3 Revised plans were received 17-11-2023- Altering site layout/red-line plan. It was brought to the attention of officers that part of the site had been sold/was not in the ownership of the applicant. In addition the description of development was altered and further consultation was the undertaken for transparency.

4 Planning History

- 4.1 The following planning decisions are relevant to the application:

P0314.07 - Demolition of existing factory building and construction of new 20 bedroom care home – REFUSED

OFFICER COMMENTS: The above was refused due to the visual and amenity impacts of the development. The loss of the commercial/industrial use was not resisted at that time.

5 CONSULTATION RESPONSE

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 The following were consulted regarding the application:
Thames Water – No objection
UKPN – Informative to be attached in the event of approval.
LFB (Access/Hydrants) – No objection
LBH Public Protection – Condition recommended
LBH Waste/Recycling – No objection
LBH Highway Authority – No objection

6 LOCAL REPRESENTATION

- 6.1 A total of 28 neighbouring properties were invited to comment on the application submission.
- 6.2 The outcome of all consultation is as follows:
- | | | | | | | | |
|-----------------------------|----------------|----------|---|----------|-----|----|-------------------------|
| No of individual responses: | 15 | of which | 2 | objected | and | 13 | supported/made comments |
| Petitions received: | None submitted | | | | | | |

6.3 The following Councillor made representations:

Councillor Judith Holt

I should like to call-in this application to be determined by Committee, please, for the following planning reason:

1. Parking - there are only two parking spaces marked on the plans, for what the application describes as "2 Semi-Detached Self-Contained Residential Dwellings". "I would consider this to be insufficient for two houses. However, the application refers to "Dwellings" rather than houses. This suggests they could be something other than houses, e.g. maisonettes, which would mean more vehicles. Dymoke Road and Kyme Road already have resident-only parking bays.

Further Comments

1. Returning to the phrase "2 Semi-Detached Self-Contained Residential Dwellings", I would like more clarification from the developer what is meant by the word "dwellings" and I feel this should be given before a decision is made. Does it mean houses, maisonettes, flats or something else?
2. Whereas this is not a specific planning reason, some residents are concerned that the developer may be planning to build further on the land which still remains at the rear of the site of number 42 Dymoke Road. The driveway to the left of the two proposed new dwellings but not incorporated into the plan might seem to suggest this. However, I am aware that the decision can be made only on the plans which are actually "on paper".

(OFFICER RESPONSE: The London Plan standard for parking in this location for houses of this size is a maximum of one space per dwelling. The space to the front is quite constrained so it is unlikely that two spaces could be provided for each dwelling if it could be demonstrated that higher provision was justified. We do however note that the site is within a resident's permits zone.

In response to other queries, which whilst not necessarily forming part of the call-in raised some other concerns. The phrase dwelling is in reference to single-dwelling house. The properties under consideration are three bedroom family homes.

In terms of developing the land to the rear, it is understood that the rear garden of the adjoining property was purchased, it is shown outlined in blue. It is possible that this land may be brought forward for redevelopment at a later date but this would be assessed on its own merits and subject to the usual planning processes. In our view it is not considered that the current proposals would be prejudicial to this coming forward. Mindful that the neighbouring garden has already been reduced in size through the sale of that land, the shortened rear gardens are not considered to be out of character.

Representations

- 6.4 The following issues were raised in representations that are material to the determination of the application, and they are either responded to below and/or addressed in substance of this report:

Objections

- Use of land to the rear
- Shortened rear gardens
- Formation of terrace
- Not developing whole of site

(OFFICER RESPONSE: With regards to the land at the rear of the site, there is no requirement for the developer to disclose their intentions. The Council will have to consider whether the development proposed would be prejudicial to its redevelopment in the future. The shortened plot depths would be a material consideration as would the formation of a terrace in terms of the character impacts of the development.

Non-material representations

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

- Loss of property value
- Disturbance during works
- Ownership/Land registry

(OFFICER RESPONSE: A demolition methodology statement will be secured through condition as it is anticipated that this would need to be managed and would have most potential to cause noise and disturbance. There is also a condition limiting construction hours.)

Procedural issues

- 6.6 No procedural issues were raised in representations however it is noted that a matter over land ownership was raised with officers.
- 6.7 It was identified that the site plan was incorrect as land to the rear of 40 Dymoke Road had been purchased thereby shortening the length of this plot. This was raised with the planning agent who subsequently revised the site location and other plans accordingly to reflect this.
- 6.8 Further consultation was then undertaken by officers for a period of 21 days commencing 17-11-2023.

7 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of development
- Quality of accommodation/suitability
- Design
- Impact on amenity
- Highways/Parking
- Other issues
- Housing Supply/Delivery and Paragraph 11 of the NPPF
- Other issues

Principle of development

7.2 Policy 20 of the Havering Local Plan 2016-2031 which relates to proposals where there would be loss of locally significant industrial sites and non-designated land. The Council will only support the loss of non-designated industrial land and floorspace in Havering where it can be demonstrated that:

- i. The change of use from industrial employment uses will not lower the industrial capacity of the borough below that necessary to meet projected demand over the planning period as estimated by the most up to date Havering Employment Land Review;
- ii. There is no market interest in the site following one year of continuous active marketing.
- iii. In considering proposals for the loss of LSISs and non-designated industrial land, the Council will take into account the wider land-use objectives of the Local Plan because the release of land which is no longer needed for employment use may assist in securing these.
- iv. The Council will require the re-provision of non-designated industrial land where it is located within a wider area of commercial uses (such as retail) in the event of proposals being submitted for redevelopment of the wider area except in cases where this policy accepts their loss.

7.3 With regards to 20(i) the site is very limited in terms of scale and the location is also a material consideration. There is no evidence before officers that there is a conflict with this aspect of the policy it is understood that the premises was most recently used unlawfully as an automotive garage. The applicant provided marketing information which confirmed that the site had been marketed continuously for a period of at least 12 months (20(ii)) and that the property had proven difficult to let or otherwise dispose of for its commercial use.

7.4 Having regard to the above criteria, on balance officers do not consider that there is an in principle reason to oppose the development proposals. In reaching this view it is recognised that there is an identified need in the borough for family homes, which is evidenced through the supporting justification for Havering Local Plan 2016-2031 Policy 5 and the most recent December 2024 Housing Delivery Test Results.

- 7.5 A further consideration for members and factoring into the recommendation of officers is the siting of the commercial unit in an area that is predominantly residential and which is adjoined by a residential dwelling. The partial demolition of the building and its conversion would offer other benefits to the amenity of surrounding residents also through reducing the amount and extent of development onsite.
- 7.6 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The London Plan notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality accommodation.
- 7.7 The provision of additional accommodation is consistent with the NPPF and the objectives of the Havering Local Plan 2016-2031 which at Policy 3 is supportive of housing provision in sustainable locations. In addition the London Plan 2021 notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality at Policy H1 whilst also acknowledging that development should optimise housing output subject to local context and character at Policy D1.
- 7.8 In addition to the above the Housing Delivery Test results found that the Council has seen a shortfall in the level of housing delivery compared to the housing requirement over the measured three years. Thus, given the nature of the proposed development, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) are engaged. Paragraph 11 (d)(ii) requires an assessment of the proposal against the policies in the Framework taken as a whole.
- 7.9 The proposals seek to develop only part of the site that is within the applicant's control. Members will observe that the red-line plan takes in the subject site, but that an area of the adjoining site at no. 40 Dymoke Road is outlined in blue. It is understood that this was purchased prior to/during decision making and was only brought to light during assessment of the current proposals. Plot depth and patterns of development would be a material planning consideration and this is considered within this report.
- 7.10 It is not considered that the redevelopment of the application site would be prejudicial to this retained parcel of land to the rear.

8 Design/Street-scene

- 8.1 Paragraph 135 of the NPPF, amongst other considerations requires that planning decisions should take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) and recognise the importance of securing well-designed, attractive and healthy places.
- 8.2 The Framework at Para 131 states that the creation of high quality and sustainable places and buildings, amongst other considerations, is fundamental to what the planning and development process should achieve. It goes on to

set out that good design is a key aspect of sustainable development, in so far as that it creates better places in which to live and work and helps make development acceptable to communities.

- 8.3 The Framework requires that permission is refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 8.4 The surrounding environment is composed of a variety of built form; however there is a general consistency in terms of scale and massing of two storey detached and semi-detached dwellings in the vicinity. The subject building is an anomaly in a street-scene featuring a flat roof to the street and high level boundary treatment. It presents as a commercial structure in an environment that is fundamentally residential in character.
- 8.5 The visual impacts of the commercial building are exacerbated by it adjoining a two storey pitched roof residential dwelling. A further consideration is the amount and extent of site coverage with the subject site virtually covered in development.
- 8.6 The proposals would seek to convert the subject building into a pair of semi-detached dwellings. The overall width of the building means that the proposed dwellings would have proportions generally in keeping with the surrounding environment. The overall ridge, eaves height and roof form would be consistent with the neighbouring dwelling. Whilst the detailing of the proposed dwellings would retain the character of the original building, rather than replicating the adjoining property this is not regarded as being objectionable.
- 8.7 The formation of a terraced row as would be the result of the proposals is not a common feature in Dymoke Road, however the surrounding area is made up of a number of typologies and whilst there is a consistency in terms of height/mass and plot layout there is a mix of building types. In Kyme Road to the immediate north of the subject site there are examples of two storey terraced rows. On balance it is not considered that the visual impacts of the development from the street could be capable of substantiating a decision to refuse permission.
- 8.8 The proposals would open up the site to the street through omission of high level boundary treatment and would present in a way which would integrate with the residential environment, removing a commercial use which was otherwise an alien feature. These benefits are considered to outweigh any perceived harm.
- 8.9 Revised plans were received 11 December 2024 which reduced the proportions of the rear dormer windows. It was considered that as submitted they were excessively sized. It is noted that they are indicated to be rendered as opposed to tile hung. Officers do not consider that the provision of render in this instance would be unacceptable but a condition could be imposed requiring that they are tile hung if members consider it appropriate.

- 8.10 The overall plot depth and width for each of the two dwellings is not regarded as being uncharacteristic or at odds with the existing urban grain. The overall depth and width of each plot respectively would not be far removed from those within the surrounding environment on Kyme Road. It is noted also that the adjoining dwelling would have the same plot depth as those proposed. Officers therefore consider that it would be difficult to identify grounds for refusal on this basis.

9 Quality of accommodation/suitability

- 9.1 Policy D6 (Housing Quality and Standards) of the London Plan advises that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. To that end the policy requires that new residential development conform to minimum internal space standards.
- 9.2 There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights. The minimum gross internal floor area requirements and room sizes takes into account commonly required furniture and the spaces needed for different activities and moving around.
- 9.3 These standards are reflected in the Havering Local Plan 2016-2031 at Policy 7 which requires compliance with the space standards referenced above.
- 9.4 Applying the standards to the proposed dwellings they would show compliance in terms of gross internal floor areas and headroom throughout. It is observed that at first floor level Bedroom 01 of Unit 1 is marginally below the required 11.50m (11.31m). Whilst this failing is noted on the whole bedroom size and mix is regarded as being compliant.
- 9.6 There is no evidence before officers that rooms would not receive adequate light and that outlook would be sufficient and consistent with that observed within the locality.
- 9.7 Whilst the proposals do not develop the whole site and there remains a parcel of land at the rear of the site, this applies to the adjoining dwelling also. In any case the amenity space provided exceeds the minimum standard and would comply with the objectives of the London Plan, particularly in respect of the qualitative elements of external amenity provision.

10 Impact on amenity

- 10.1 Policy 7 (Residential Development) of the Havering Local Plan 2016-2031 (HLP) states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy, noise, vibration and disturbance to existing and future residents.

- 10.2 Policy 7 is to be read in conjunction with Policy 26 (Urban Design) and the wider objectives are reflected also in Policy 34. Therefore a fundamental requirement of any residential development is the impacts on the amenity of any surrounding neighbouring occupier whether existing or in the future.
- 10.3 Policy 34 states that development will not be permitted where it would unduly impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.
- 10.4 It is not considered that there would be any material impact on the adjoining premises. The proposals would partially demolish the existing structure bringing the main rear building line back level with the adjacent premises. A single storey rear projection is shown but this would comply with Council design guidance and therefore any impacts are capable of being regarded as not material.
- 10.5 Whilst the use of the property for residential purposes would see new views introduced at first and roof level rear facing windows these views would not be unusual in a suburban environment and could be likened to any other pair of semi-detached dwellings in the street/wider locality.
- 10.5 As above the partial demolition of the structure would remove a significant building from the landscape which would offer benefits both in terms of light/overshadowing of adjacent premises but would also enable natural surveillance of the adjacent shared access. This would otherwise be obscured by the form of the warehouse.
- 10.6 It is accepted that new views would be created at first floor and roof level and that these views would enable views at an oblique angle across the rear gardens of those properties fronting Craigdale Road. Separated by the shared access and the length of the gardens it is not considered that these views would be materially harmful in planning terms.
- 10.7 Building up the roof and the gabled end roof form would increase mass at a high level which would mean the resultant building and its flank wall would be more prominent in views from dwellings to the east fronting Craigdale Road. However in view of the level of separation involved from rear facing windows it is not considered that this would be harmful to outlook. There would be a minimum separation wall-to-wall of approx. 24 metres. On balance it is not considered that the building would be overbearing or visually intrusive from those adjacent rear gardens which would be separated by the shared access in any case.
- 10.8 Whilst the overall height and mass of the building would increase at roof level, it is not considered that the proposals would result in any material loss of light or level of overshadowing, particularly in view of the existing arrangement which would be removed. Given the degree of separation present a 25 degree notional line would not be impeded by the development when considering rear windows of those fronting Craigdale Road. Nevertheless, whilst there may be some impact over the existing in terms of overshadowing of the access/rear gardens it is not considered that this would be sufficient to withhold permission.

10.7 It is not considered that the proposals would unduly harm the amenity of surrounding residents, nor be detrimental to the sense of place, safety and community experienced by those residents. The proposals would on balance comply with Policies 7, 26 and 34 of the Havering Local Plan 2016-2031 as well as the objectives of the NPPF in particular Para 135 which requires a high standard of amenity for existing and future users.

11 Highways/Parking

11.1 Parking provision and matters of highway consideration are represented in Policies 23 and 24 of the Havering Local Plan 2016-2031. However given the PTAL rating of 2, this engages the London Plan parking standards which are found at Policy T6.

11.2 Paragraph 116 of the NPPF allows development to be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

11.3 There is no evidence before officers that the development proposals would worsen or give rise to any new highway safety issues in this location. The development would seek to extend the existing crossover and open up the site frontage which is currently enclosed by high level boundary treatment. Where the corner turns to the front of the subject building there is a single yellow line. There would be no loss of on-street parking through extension of the existing crossover.

11.4 The proposals make provision for one space per dwelling. This aligns with the requirement set by London Plan Policy T6 for dwellings of this scale and in this location. On this basis it is not considered that any case could be made for under-provision and that refusal could be justified on this basis. The immediate surrounding area has no waiting restrictions in place and residents permit bays.

11.5 Cycle and refuse storage is shown to be sited at the front of each property parallel to off-street parking. In the absence of full details it is considered that the siting of cycle/refuse storage may be detrimental to the visibility of vehicles. However it is considered that an alternative arrangement might be secured through condition, for example by shifting the units forward to open up visibility splays.

11.6 Subject to the foregoing being agreed through condition there are not considered to be any grounds to withhold permission on matters of parking and highway safety. This view is supported by the absence of an objection by the Highway Authority.

12 Other Issues

12.1 At Paragraph 136 of the NPPF it is recognised that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. The Framework requires planning policies and decisions ensure that new streets are tree-lined and that

opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. These objectives are reflected in Havering Local Plan Policies 27 and 30.

- 12.2 The application proposals through the demolition of the structure that returns into the site would represent an opportunity to introduce planting and landscaping to the site and to improve its contribution to the green character of the borough/suburban location. Whilst submitted prior to the adoption of mandatory biodiversity net gain it is considered on balance that there is opportunity to meet with this aspirations through a detailed landscaping condition which is recommended in Para 2.2 of this report.

13 Housing Supply/Delivery and Paragraph 11 of the National Planning Policy Framework

- 13.1 On the 12th December 2024, the Government published the Housing Delivery Test result for 2023. The Housing Delivery Test Result for 2023 is 61%. In accordance with the NPPF the "Presumption" due to housing delivery therefore applies.
- 13.2 Furthermore 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 and the Council is committed to an immediate update of the Local Plan. 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.
- 13.3 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.
- 13.4 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.
- 13.5 The development is regarded as acceptable on its own merits however the foregoing lends further weight to the development receiving support. Whilst offering only a modest contribution to housing supply and delivery the proposals would nevertheless make a contribution to housing stock in the borough and would provide needed family dwellings.

14 Environmental and Climate Change Implications

14.1 Given the limited scale and nature of the proposals which concern the removal of a commercial use and formation of two residential dwellings, associated areas of landscaping, no specific measures to address climate change are required to be secured in this case.

15 Financial and Other Mitigation

15.1 None relevant.

16 Equalities

16.1 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

16.2 The proposals do not raise any known issues in relation to the above.

17 Other Planning Issues

17.1 None relevant

18 Conclusions

18.1 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.