



# REGULATORY SERVICES COMMITTEE

1 August 2013

# REPORT

**Subject Heading:**

**P1216.12 – 19 Wallenger Avenue,  
Romford**

**Single storey front garage extension  
and first floor side extension above the  
existing garage**

**(Application received 8<sup>th</sup> October 2012)**

**Report Author and contact details:**

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**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	[ ]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[ ]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[X]

## SUMMARY

This application relates to a detached house which is situated within the Gidea Park Special Character Area. It is proposed to construct a first floor side extension

over the existing garage. The planning issues are set out in the report below and cover issues relating to the design and appearance on the host dwelling, the impact on the character of the area and impact on amenity of surrounding residential properties. Staff consider the proposal to be acceptable.

## RECOMMENDATIONS

It is recommended that planning permission be granted, subject to the following conditions:

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

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

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

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

- 3) Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

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

## **INFORMATIVE**

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

### **REPORT DETAIL**

#### **1. Site Description**

- 1.1 The application relates to a two-storey, detached dwelling, located on the eastern side of Wallenger Avenue. The dwelling has an existing single storey attached garage, with a sloping mono-pitch roof, located on its southern side.
- 1.2 The dwelling is in a residential road situated within the Gidea Park Special Character Area. The road is characterised by detached, two storey dwellings of similar, but not identical, character.
- 1.3 To the south of the site is a detached dwelling, No.21 Wallenger Avenue. There are ground floor flank windows to this dwelling, serving a kitchen, dining area and cloakroom. The kitchen/dining area has an open-plan layout. There is also an existing window to the rear elevation of the kitchen and a door leading to the rear garden (solid with a single glazed pane). The dwelling also has first floor flank windows serving a bathroom and toilet.

#### **2. Description of Proposal**

- 2.1 This application proposes to extend the existing garage forward 1.6m to align with the main front wall of the property.

Above it is proposed to construct a first floor side extension above the existing garage. It will be setback approximately 600mm from the main front wall of the property with a lesser width of 2.6m and will extend for a depth of 6.3m. It will have a hipped roof 7.65m high, 5.11m to the underside of the eaves.

- 2.2 In terms of the material difference between the extension, as refused, and that currently applied for, there has now been a significant reduction in the length of the extension, from 10.25m to 6.3m.

#### **3. Relevant History**

- 3.1 P0916.00 – Single storey side extension – Approved 21/08/00
- 3.2 P1858.06 – First floor side extension – Refused 12/12/06

- 3.3 P0618.07 – First floor side extension – Decision to approve quashed by Consent Order in the course of judicial challenge.
- 3.4 P0612.09 – First floor side extension – Not determined. Finally disposed 21/6/10
- 3.5 D0018.10 – Certificate of Lawfulness for adding 2 No. velux roof lights to existing roof with fixed and obscure glazing, fixed 1300mm from attic floor level – PP not required 26/10/10
- 3.6 P0403.12 – Extension of existing roof ridge to form a part hipped end – Approved 23/5/12

#### **4. Consultations/Representations**

- 4.1 Neighbour notification letters have been sent to 9 local addresses. Letters of objection have been received from two neighbouring properties objecting to the proposal on the following grounds:
- Loss of light that has already resulted due to previous development and additional light that will be lost.
  - The excavation required to provide foundations to a double storey extension will run a few inches from the main water and sewerage pipes and manholes for the property.
  - It is asserted that the measurements on the plans are incorrect to deliberately mislead the Council.
  - The extension will infill the space between dwellings to an unacceptable level.
  - Loss of privacy.
  - The original character of Wallenger Avenue is slowly being eroded.
- 4.2 Matters relating to foundations, water and sewerage pipes are not material planning considerations. Other comments will be discussed later in the report.

#### **5. Relevant Policies**

- 5.1 Policies DC33, DC61 and DC69 - LDF Core Strategy and Development Control Policies DPD.
- 5.2 Residential Extensions and Alterations Supplementary Planning Document.
- 5.3 Policies 7.4 and 7.6 of London Plan 2011.

## **6. Mayoral CIL Implications**

6.1 The proposal is not CIL liable.

## **7. Staff Comments**

7.1 This proposal is put before the Committee owing to the planning history at the site.

## **8. Background to the Application**

8.1 The application property has previously had planning permission for a single/two storey rear extension (application reference P1083.95) and a single storey side extension (P0916.00). Both of these permissions appear to have been implemented on site.

8.2 In October 2006, a further planning application was received (application reference P1858.06) for a first floor side extension. This application was refused for the following reasons:

1. The proposed side extension breaks the 45 degree line taken from the sill of the window of a habitable room on the neighbouring property that is located to the south and the loss of sunlight and daylight is considered unreasonable, contrary to Havering Unitary Development Plan, notably Policy ENV1 and the Supplementary Design Guidance (Residential Extensions and Alterations).
2. The proposal reduces the characteristic spacing to the neighbouring detached dwelling and has an unacceptable streetscene impact. The development relates poorly to the character of the detached properties in the immediate locality contrary to Policy ENV1 of the Havering Unitary Development Plan and the Supplementary Design Guidance (Residential Extensions and Alterations) attached thereto.

8.3 Following the refusal of this application, a subsequent planning application for a first floor side extension (reference P0618.07) was received in June 2007. This sought to overcome the previous grounds for refusal by revising the proposals, principally in the following respects:

- a reduction in the length of the extension, from 10.25m previously, to 6.1m
- a reduction in the eaves height of the extension, from 5.6m to the underside of the eaves previously, to 5.2m, and
- a reduction in the ridge height of the extension, from 8.3m previously, to 7.8m

8.4 This planning application was subsequently granted planning permission on 10 August 2007 under delegated authority.

- 8.5 On 29 August 2007 the decision of the Council was challenged by the owner of the adjacent dwelling (No. 21 Wallenger Avenue) on the grounds that the decision was not lawfully made, as the revised proposals approved under planning application reference P0618.07 were not considered to have overcome the grounds for refusal of the previous planning application P1858.06. The owners of No. 21 Wallenger Avenue therefore applied for Judicial Review of the Council's decision.
- 8.6 The Council, based on advice from Counsel, did not seek to resist the judicial review application and consented to the planning permission being quashed. The Consent Order was accompanied by an agreed Statement of Reasons. It was accepted by the Council that the officer's report failed to explain fully the impact on the streetscene in relation to the earlier refusal for a similar but not identical proposal and that insufficient reasons for the difference of opinion (between applications P1858.06 and P0618.07) were cited in the officer report and the decision notice.
- 8.7 It was the decision of the Courts that planning permission reference P0618.07 be quashed and the application be remitted back to the Council as Local Planning Authority for determination. However, a decision was not finally made on this application as additional information requested by staff was never provided.
- 8.8 The next application to be submitted, reference P0612.09, proposed identical development and again the additional information was not provided and the application was Finally Disposed on 21st June 2010.
- 8.9 A Certificate of Lawfulness application was submitted in 2010 for rooflights and issued.
- 8.10 Application P0403.12 was submitted in March 2012 for an extension of the existing roof ridge to form a part hipped end and to bring the recessed garage door forward to align with the main front wall of the house. This was granted planning permission.
- 8.11 The application now under consideration is to construct a first floor side extension over the existing garage which has similar dimensions to the proposed development in both P0618.07 and P0612.09.
- 8.12 The application is therefore brought back before Members to be determined.

## **9. Staff Comments**

- 9.1 The principle issue arising from this application is whether the proposals are judged to have acceptably overcome the concerns which resulted in the refusal of the initial planning application for a first floor side extension to this dwelling (application reference P1858.06).

9.2 As referred to in paragraph 8.2 of this report, the initial planning application reference P1858.06 was refused planning permission due to the impact on a neighbouring window and the impact in the streetscene.

9.3 This application essentially revises the proposals submitted under the initial application (P1858.06). This report will therefore consider each of the previous grounds for refusal in turn, taking into account the material differences between the initial application and the current proposals, as well as any other material changes in circumstances or planning policy, and will assess whether the current proposals are now considered to overcome the previous grounds for refusal.

#### 9.4 Reason for Refusal 1

9.4.1 This reason for refusal related to guidance in the Council's Supplementary Design Guidance in respect of the impact of extensions on flank windows to habitable rooms of neighbouring residential property. In refusing the first application, the case officer reached the conclusion that, as the proposed side extension breached a notional 45 degree line taken from the sill of windows of a habitable room on the neighbouring property that is located to the south (No. 21 Wallenger Avenue) the resultant loss of sunlight and daylight would be unreasonable. This judgement appears to have been in relation to the two ground floor flank windows at No. 21 Wallenger Avenue serving the open plan kitchen/lounge area. The other flank windows do not serve habitable rooms.

9.4.2 It should be noted that the proposed extension, due mainly to the reduction in depth, will now only directly face the wc window and part of the dining area window in the neighbouring property. The kitchen window further towards the rear of the property will not now be significantly affected. As discussed earlier in the report, this open plan dining and kitchen area is also served by a rear facing window.

9.4.3 A light report has been provided by the applicant which concludes that the proposed development will have a low impact on the light receivable by its neighbouring properties. However, on inspection of the calculations in support of this conclusion, the impact on the light reaching the dining area window would be noticeable. The lighting report conclusions are based on this window being a secondary window. However, this window was originally the primary light source for a smaller room which has subsequently been made open plan. In addition to loss of light to this window, there would be some loss of outlook from the building up of the flank wall.

9.4.4 The judgement in relation to the impact on No.21 Wallenger Avenue is finely balanced. There would be loss of light to a previous primary window and some loss of outlook. However, the window is no longer the sole window and other light sources exist which are not significantly affected by the proposed development.

On balance, it is considered that the impact on residential amenity is within acceptable limits, although it is recognised that Members may come to a contrary view.

## 9.5 Reason for refusal 2

This reason for refusal related to an assessment of the impact of the development on the streetscene and, in particular, on the Gidea Park Area of Special Character. In refusing the first application, the case officer reached the conclusion that the proposal would reduce the characteristic spacing to the neighbouring detached dwelling and would have a resultant unacceptable streetscene impact.

- 9.5.1 In terms of the material differences between the extension, as refused, and that currently applied for, the key changes relevant to the second reason for refusal are a reduction in the eaves height of the extension so that it sits under the existing eaves rather than at the same level and a reduction in the ridge height of the extension, from 8.3m to 7.65m.
- 9.5.2 In refusing the previous application, the case officer judged that the proposal failed to adequately maintain the characteristic gaps between properties. Staff are however of the opinion that this would have been a finely balanced judgement.
- 9.5.3 The application property has already been extended to the side at ground floor level and in this respect the dwelling would be materially unchanged. At first floor, the proposed extension will not be materially further from the boundary than that previously refused. However, the revisions to the height represents a reduction in eaves and ridge height.
- 9.5.4 Although the resultant impact of this eaves and ridge height reduction on local character and the streetscene is essentially a matter of judgement, Staff consider this gives the proposed extension a materially more subservient appearance to the existing dwelling compared to the initial proposal. It also has the effect of reducing the eaves line of the proposed extension below both that of the host building. Staff consider, particularly in view of the fine margins of judgement regarding the impact of the initial proposal on local character and streetscene, that these changes do result in a materially more spacious visual impact compared to the previously refused proposals.
- 9.5.5 Inspection of the surrounding area and Council records has revealed that a number of other properties in the road have, in the recent past, been granted planning permission for two storey or first floor side extensions that have similar relationships, in terms of gap at first floor level to the boundary and between the dwellings.
- 9.5.6 No.17 Wallenger Avenue had a two storey side extension granted planning permission on 11<sup>th</sup> October 2011, reference P0582.11. The Officer's report stated that a 1m separation would exist if the extension were to be built



between Nos.17 and 19. This is less than the 1.36m separation that would exist between the subject dwelling and No.21.

9.5.7 No.11 Wallenger Avenue had a two storey side extension granted planning permission on 9<sup>th</sup> August 2011 reference P0222.11 which maintains a 1.3m separation from No.13.

9.5.8 No.20 Wallenger Avenue had a two storey side extension granted planning permission on 10<sup>th</sup> August 2007, reference P1195.07 which appears to have a similar separation of 1.3m to No.22.

9.5.9 It is therefore considered that, given that first floor side extensions are not uncharacteristic in the streetscene, the greater subservience of the extension to the host dwelling compared to previously, that the extension would not affect the spacing between properties to such a degree as to materially harm the streetscene or the particular character of this part of Gidea Park. Staff therefore consider the second of the original grounds for refusal to be acceptably overcome.

9.6 With regards the proposed front extension to the existing garage, this will only extend to the same building line as the existing front wall of the property. A roof already overhangs this void, therefore the forward extension of the garage will not adversely affect the streetscene or the neighbouring property.

## **10. Conclusion**

10.1 In view of the points raised above, the proposal now under consideration is considered, on balance, to have overcome the reasons for refusal of application P1858.06 and approval of planning permission is now recommended.

## **IMPLICATIONS AND RISKS**

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

This report concerns only material planning issues.

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

None.

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

None.

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

None

**BACKGROUND PAPERS**

Application forms, supporting information and plans received on 8<sup>th</sup> October 2012.