

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0225.20

WARD : St Andrew's **Date Received:** 17th February 2020

ADDRESS: 35 LAMBOURNE GARDENS
HORNCHURCH

PROPOSAL: Single storey rear extension involving demolition of existing conservatory

DRAWING NO(S): 19/8/4/3 Rev A

RECOMMENDATION : It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site includes a single storey semi-detached dwelling with a hipped, tiled roof. The site has a very long and fairly wide backyard with an existing outbuilding at the rear.

There is space at the front for onsite car parking. The house is built to the side boundaries, but has a shared pathway along one side. The attached neighbour has a small single storey rear extension of approximately 2m depth.

The surrounding area is residential. The site is not located within a conservation area, nor is it a listed building.

NOTE: Due to the current Covid-19 crisis, the Officer was unable to do a site visit. Site photos were provided by the agent on 30 March 2020, that were taken on 10 January 2020 by the applicant. Other mapping services such as Google Earth, Bing Maps, and Earthlight were also used for images and aerials views of the property and surrounding area.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a single storey rear extension involving demolition of the existing conservatory.

The rear extension would have a staggered depth with 6m on one side (built to boundary with the attached neighbour) and 5m depth on the other side (facing the non attached neighbour and setback from the common boundary line by 1.1m). The extension would have a flat roof with an eaves height of 3m, with two large roof lights with a maximum height of 3.4m.

It should be noted that there is a change to the front facade of the building in the existing and proposed ground floor plans regarding the removal of a porch, but that it is not part of this application and has not been assessed in this report. Furthermore the porch removal does not require planning permission.

RELEVANT HISTORY

A similar application (Y0306.19) for Prior Approval for a 6m deep rear extension was not granted on 12 November 2019, for the following reasons:

The Council consider that the impact of the proposed development would unacceptably harm the amenity of adjacent neighbours at No. 33 Lambourne Gardens, Hornchurch by reason of loss of light, outlook and unneighbourly sense of enclosure.

The current proposal has been slightly modified, with the following changes:

1. Reduction in depth on the side facing No. 33 Lambourne Gardens, from 6m to 5m and an additional setback away from that neighbour of 400mm (total setback from boundary line being 1.1m).

It is noted that in the previous officers report for the Prior Approval application (Y0306.19) which proposed a 6m rear extension (not staggered) noted that there were no issues with the 6m built to boundary section abutting the property at no. 37 as they have benefitted from a rear extension and that the greater projection of the extension would be in line with the intent of the SPD guidance. The officers report only took issue to the other side of the extension for the adjoining property at no.33, stating that the development would be unacceptable for that neighbour as they had not previously extended at the rear. Pre application advice was also sought from the Duty Planner before another application was made. This application has been made taking into account the recommendations of the Duty Planner advice (ENQ-0794672) and the previous Officers Report for the application Y0306.19.

P0124.20 - Part retrospective planning permission for existing outbuilding and part proposal for an additional extension to that outbuilding for use as a games room, gymnasium and storage space.
Apprv with cons 08-04-2020

ENF/791/1 Alleged unauthorised outbuilding to rear
9 -
Awaiting Decision

Y0306.19 - Single storey rear extension with an overall depth of 6.0 metres, a maximum height of 3.450 metres, and an eaves height of 2.940 metres. (PRIOR APPROVAL)
Prior Appr Refused 12-11-2019

P1749.16 - Single storey rear extension.
Apprv with cons 06-12-2016

CONSULTATIONS/REPRESENTATIONS

During consultation two objections were received and have been summarised by Officers as follows.

- Concern about construction noise, smells, fumes, etc. Concern about the alleyway (shared path) being blocked during construction. Loss of privacy from builders walking down the alleyway for the neighbours living room window.
- Concern about height and scale and potentially blocking access to sunlight/daylight for the neighbours kitchen or overshadowing or sense of enclosure to the patio.
- Illegal application as the applicant is not the building owner. The applicant signed the ownership certificate in section 11 of the application, even though he is not the building owner and therefore has no right to do so.
- No mitigation of Council's grounds for refusal of previous application, such as loss of light, outlook, and sense of enclosure for no.33 Lambourne Gardens.
- Non compliance with the Residential Extensions and Alterations SPD, regarding impact on amenity to the neighbour's patio and extension for loss of sunlight and daylight, overshadowing and loss of outlook due to the size and location of the proposed extension. The extension doesn't meet the 45 degree rule. It should be at least 1.4m from the boundary line of the property at no.37.
- The proposed extension is more than the 4m as described in the SPD (by an additional 2m

depth).

- Excessive depth and width mean that the extension is not subordinate to the main dwelling and is too bulky in appearance. It measures more than 50% of the size of the main dwelling.
- Issues with loss of amenity, light, outlook.
- Breach of Town and Country Planning (Permitted Development) Act for excessive height of 3.45m (above the 3m rule) and would result in loss of amenity for neighbours. The eaves are higher than the eaves of the main dwelling. The extension is more than 50% the width of the main house.
- Disregard capacity of physical infrastructure; non-replacement of existing shared rainwater drainage provisions.
- No elevation drawing for the side adjoining the attached property.
- No indication of drainage or guttering or what will happen to the side boundary fence.
- Compromised security of neighbours property as people could use the flat roof to access the neighbours property and there is no barrier in between.

RESPONSE:

- Anyone can apply for planning permission, whether they own a property or not.
- The Certificate of Ownership name and details are not publicly available to view for privacy reasons. But the correct section has been filled in by the agent identifying the owner. The onus is on the agent/ applicant to serve notice to the owner making them aware of the application.
- A planning permission application is not assessed against the Permitted Development rights under the Town and Country Planning Act.
- Issues arising during the construction phase such as noise, smells, loss of privacy, car parking etc are not material planning considerations for householder extension applications and therefore have not been addressed in this report.
- The issue of compromised security is not a material planning consideration for householder extensions and therefore has not been addressed in this report.
- For a planning permission application it is not necessary to provide all details regarding drainage and guttering, but an Informative can be included stating that guttering must be located within the boundary of the property and must not overhang public or private property.
- A side elevation drawing facing the neighbour at No. 37 Lambourne Gardens was not provided. The agent was contacted about this and has sent in additional plans with the missing side elevation drawing.

All other issues raised above have been addressed in the report below.

RELEVANT POLICIES

LDF

DC33 - Car Parking
DC61 - Urban Design
SPD04 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.6 - Architecture
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

This application is not CIL liable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal cannot be viewed from the street as it is completely at the rear of the property and therefore won't impact the streetscape.

The Residential Extensions and Alterations SPD states that houses can be extended from the rear wall of the original dwelling up to 4 metres in depth for a semi-detached dwelling, to ensure a reasonable level of amenity is afforded to neighbouring properties. The total height of a single storey extension should generally be no more than 3 metres for a single storey extension with a flat roof, in order to ensure there is no unreasonable loss of amenity to neighbouring properties or reduction in sunlight or daylight.

The proposal is not strictly in accordance with the SPD as it proposes a staggered depth of 6m and 5m from the rear wall and has a height slightly greater than 3m (proposed to be 3.4m by the roof lights).

The rear extension would have an area of 49.4 square metres, whilst the main dwelling has an area of 67.3 square metres. The main dwelling has a hipped roof with a height of approximately 5.5m, whereas the proposed rear extension with a flat roof has a height of 3m (3.4m at the roof lights). There are several examples of single storey rear extensions with flat roofs in the immediate surrounding area of various depths. The extension proposes using matching materials. Bifold doors are proposed to the rear facing the rear garden environment. There are no side windows proposed.

Overall the rear extension would appear subordinate to the host dwelling, due to the height and design and is generally in keeping with the character of the area. From a visual perspective there are no concerns raised.

The proposed rear extension is considered to be generally in accordance with Council's policies and guidelines. Taken on its merits and for the reasons discussed above, it is considered that the development will not be harmful to the character and appearance to the garden, streetscape and the wider area.

IMPACT ON AMENITY

The proposed development has a staggered depth of 6m and 5m from the rear wall and an overall height of 3m (and 3.4m by the roof lights).

The overall height of 3m is in line with policy guidelines. The proposed roof lanterns would be set in from the common boundary with the attached neighbour at No.37 by 1.22m and 5.1m from the non-attached neighbour. It is considered that the height of the roof would not unacceptably impact on the amenity of the neighbours at No.33 and 37 Lambourne Gardens.

The SPD guidelines indicate that semi-detached houses can normally be extended from the rear wall of the original dwelling by up to 4m and that they should generally be no more than 3m in height for a single storey extension with a flat roof. This is to ensure there is no unreasonable loss of amenity to neighbouring properties or reduction in sunlight or daylight.

The attached neighbour at no. 37 Lambourne Gardens possesses a rear extension which is 2m deep. The proposed extension would project approximately 4m beyond the rear building line of the adjoining neighbours rear extension, at a height of 3m at the eaves. There may be some degree of overshadowing or loss of access to sunlight/daylight for the outdoor patio area of the neighbour at no.37, but taking into consideration the councils guidance which advises 4m rear projections ensure a reasonable level of amenity is afforded to neighbouring properties, it is staff view that any amenity impacts would be minimal and within that envisaged for householder

extensions and would not be sufficient for grounds for a refusal.

The other side of the extension proposes a depth of 5m and is setback from the adjoining neighbour at no. 33 by 1.1m from the common boundary line. There is also a shared pathway with a width of 1.4m between the two properties which creates an even further setback away from their dwelling. It is acknowledged that this side of the extension was noted as being an issue in the previous Prior Approval application (Y0306.19) which proposed a 6m deep extension that was closer to the boundary. The neighbour at no.33 has not benefitted from a rear extension. The proposal has reduced the depth and proposes a further setback from the common boundary, in line with Duty Planner advice. It is considered that the proposal has addressed the previous concerns. The extension would only protrude a further 1m more than the SPD guidance recommends and with the setback of 1.1m from the common boundary line, as well as the existing pathway between the properties, a compliant eaves height of 3m with a flat roof design, no windows or doors on the side elevations, would not create any undue or significant amenity impacts for the neighbour at no. 33 Lambourne Gardens.

Overall it is considered any impact upon neighbours is within the realms of acceptability and within that envisaged as acceptable within guidelines.

Taking these factors into account and mindful of the presumption in favour of development, it is considered that the proposal would not unacceptably impact upon the amenities of either neighbouring property.

HIGHWAY/PARKING

No highway or parking issues would arise from the proposal.

KEY ISSUES/CONCLUSIONS

The proposal would not cause significant or undue harm to the rear garden environment nor the surrounding residents in terms of the visual and residential amenity that is currently enjoyed. It is therefore recommended that planning permission is granted.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. SC4 (Time limit) 3yrs

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. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

For the avoidance of doubt and to ensure that the development is carried out as approved.

3. SC10C Materials as per application form

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document

4. SC48 (Balcony condition)

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

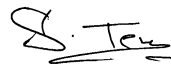
1 Non Standard Informative 1

Guttering must be located within the boundary of the property and must not overhang public or private property.

2 Approval - No negotiation required

Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework 2018.

Authorising Officer: Suzanne Terry



19-05-2020