

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1818.21

WARD : Harold Wood

Date Received: 17th September 2021

ADDRESS: 10 MOUNT AVENUE
ROMFORD

PROPOSAL: Retrospective application for a wooden pergola standing on a pre-existing decking to rear

DRAWING NO(S): MA-100
MA-101
MA-500
MA-502

RECOMMENDATION : It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

Residential, two storey end terraced dwelling finished in face brick. Parking on the drive to the front of the property. The ground level slopes from the dwelling towards the rear boundary. There is a decked area to the rear of the existing rear extension with steps into the garden. The surrounding area is characterised by two storey dwellings.

DESCRIPTION OF PROPOSAL

Retrospective planning permission is sought for a wooden pergola standing on a pre-existing decking to rear.

RELEVANT HISTORY

CONSULTATIONS/REPRESENTATIONS

One representation was received in response to the neighbour notification process with their comments summarised below.

- Objections to pergola structure that has been added already to extensive decked area.
- Size and height has an overbearing effect on surrounding rear gardens and aspect.
- The proposal is an enclosure of the existing decking system and not a pergola.
- Proposal is an extension onto an extension and is not permitted development.

The comments above will be considered under the following sections of the report. The applicant has submitted a planning application to retain the proposal as it cannot be constructed under permitted development. Permitted development allows residents to carry out certain works without planning consent, however, the proposal before the Council does require planning consent.

RELEVANT POLICIES

- For ease of reference, the Residential Extensions and Alterations SPD will be referred to as "SPD".

LONDON PLAN:

Policy D1 London's form, character and capacity for growth

Policy D4 Delivering good design

Policy T6 Car parking

Havering Council Local Plan (2016-31). Havering Local Plan has now been adopted and Policies 7 (Residential design and amenity), 24 (Parking provision and design), 26 (Urban Design) of the Havering Local Plan (2016-2031) are relevant.

LDF

SPD04 - Residential Extensions & Alterations SPD

OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

This application is not CIL liable because the newly created floor space does not exceed 100 square metres.

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. Site photos were provided by the agent in support of the application. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The wooden pergola to be retained would be mainly visible from the rear garden environments of the neighbouring properties.

The pergola projects from the existing ground floor rear extension. It is considered the proposal would not unduly impact on the rear garden environment and relates acceptably to the existing dwelling.

It is considered that it would be difficult to substantiate a refusal on appeal on the design of wooden pergola to the rear of the existing ground floor rear extension and its impact on the rear garden environment.

IMPACT ON AMENITY

Consideration has been given to the impact on neighbouring dwellings in terms of loss of light and loss of privacy.

The proposal is well removed from the properties on Ingreway to have an impact on their amenity, as it is located along the rear boundaries of these properties. Similarly due to the staggered relationship with No.8 Mount Avenue, it considered that the proposal would not impact on their amenity.

The proposal is sufficiently well removed from the rear elevations of these properties not to have an unacceptable impact on these occupier's amenity.

Of a greater concern is the impact on the attached neighbour at No.12 Mount Avenue which lies to north east of the application site. It is noted that this neighbour has a single storey rear extension along the common boundary which is not as deep as the rear extension within the application site. Photographic evidence indicate that the decking on the neighbouring property is not as high or as deep to that within the application site.

An equivalent degree of amenity should be secured for the neighbouring dwelling both in terms of the existing house and rear garden and in terms of the ability to build an extension in line with this SPD.

As a general rule, houses can be extended from the rear wall of the original dwelling by up to 3m in depth for a terraced dwelling, with any additional depth to be set in 45 degrees from the shared boundary. It is noted that the depth of the rear extension would be approximately 3.55m. With a combined overall depth of approximately 7.85m including the overhang the cumulative depth of the existing rear extension and pergola to be retained is in excess of the maximum depth of 3m normally permissible within guidelines for a terraced property. The cumulative depth impinges upon a notional line constructed at 45 degrees at a depth of 3m on the boundary. It is considered that the neighbouring rear extension would not be sufficient to mitigate the proposal as it is set back from the building line with the subject sites rear extension.

Mindful that the proposal is built up to the boundary, it is considered that the cumulative impact of the existing rear extension and pergola to be retained would have a detrimental impact on the amenity of the neighbouring residents at No.12 Mount Avenue and would unacceptably overbear and dominate the outlook and amenity of this neighbour.

The impact is further exacerbated by the elevated position of the decking and the height of 3.5m approximately from ground level. It is noted that the pergola is not enclosed adjacent to this neighbour, however, due to its cumulative depth and height along the boundary, it gives rise to an uncomfortable overbearing effect which would be harmful to their amenity, mindful that this neighbour lies to the north of the application site.

The proposal is deemed unneighbourly and therefore fails to comply with guidance set out in the Residential Extensions and Alterations SPD

HIGHWAY/PARKING

No highway or parking issues would arise from the proposal.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be contrary to the above-mentioned policies and guidance and a refusal is recommended.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Reason for refusal - Residential Extensions

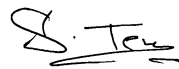
The wooden pergola to be retained would, by reason of its excessive height, depth and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers at No.12 Mount Avenue, Romford contrary to Policies 7 and 26 of the Havering Local Plan and the Residential Extensions and Alterations Supplementary Planning Document

1 Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking

amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Mr Vickerstaff (agent) by phone on 14-12-21.

Authorising Officer: Suzanne Terry



14-12-2021