

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P2053.21

WARD : Hylands

Date Received: 25th October 2021

ADDRESS: 5 Dorian Road

Hornchurch

PROPOSAL: 2 x two storey, 4 bed dwellings with associated amenity, parking, cycle stores, and bin stores, involving demolition of existing bungalow

DRAWING NO(S): 1007_PL01
1007_PL02
1007_PL05
1007_PL07 (proposed site layout plan)
1007_PL03
1007_PL04
1007_PL07 (proposed street-scene)
1007_PL06

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

SITE DESCRIPTION

Application site was historically a detached bungalow, located on the southern side of Dorian Road. It has since been demolished to facilitate the permission permitted through appeal reference APP/B5480/W/18/3205665.

The site is neither listed, nor within a Conservation Area.

DESCRIPTION OF PROPOSAL

Consent is sought retrospectively for the demolition of the existing dwelling (as opposed to the conversion of) and alterations to the scheme permitted through the appeal made under APP/B5480/W/18/3205665. These changes amount to alterations internally as well as the development footprint.

- Enlarged ground floor footprint/changes to design of rear projection
- Alterations to materials/external finish and openings on some elevations
- 4B 6P dwellings as opposed to 3B 5P

RELEVANT HISTORY

Enforcement and Stop Notice served 19 October 2021 - subject to an appeal.

N0001.21 - Non-material amendment to planning permission P2037.17 dated 10/08/2018 to allow the original property to be demolished and rebuilt (Conversion of existing property into 2x 3bed dwellings with additional front and rear dormers)
Refuse 12-02-2021

Q0172.19 - discharge of conditions 4 and 6 P2037.17 Conditions(s) 4 = Landscaping
6 = water efficiency and accessibility
ALL DECISIONS 15-08-2019
ISSUED

- P2037.17 - Conversion of existing property into 2x 3bed dwellings with additional front and rear dormers.
Refuse 10-08-2018
- P0354.17 - Conversion of existing Bungalow by part demolition and adding front and rear dormers to achieve 2x4bed family homes.
Refuse 22-05-2017
- P1810.16 - Demolition of existing bungalow and construction of 2 x 4 bed dwellings
Refuse 04-01-2017

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were consulted through direct notification with two letters of representation received. The comments are summarised below:

- Alterations internally/changes to bedrooms/spaces
- Design
- Insufficient size internally
- Insufficient parking

Some matters such as disturbance during works are not material in the consideration of a planning application. Similarly there are suggestions made over land ownership. Planning permission would not overrule any land ownership matters. Matters of security and SBD can typically only be applied to major schemes and whilst comments made are noted, it is not considered that any changes can reasonably be imposed upon the scheme under consideration mindful of the earlier approval.

With regards to the matter of the Enforcement Notice, it had been served on the basis that unlawful development was occurring on site, and there was insufficient information about exactly what on site was being built. Consequently, the Council could not have granted planning permission at that time for the development subject to the Enforcement Notice. The submission of the notice and its content does not prejudice the application under consideration.

In addition the following comments were made by other stakeholders:

- Environmental Protection - No comments
- London Fire Brigade - No comments
- Highway Authority - No comments

RELEVANT POLICIES

Havering Local Plan 2016-2031 Policies 7, 23, 24, 26 and 34
London Plan 2021, in particular Policies H1, D1, D4, D6, T6.
NPPF

MAYORAL CIL IMPLICATIONS

Contributions would be required under CIL regulations. The proposals, disregarding existing floor-space would result in a net increase of 271m².

This would translate to a Mayoral CIL (MCIL2) contribution of £6,775 (x £25 per sqm).

As of September 1st 2019, Havering adopted its on community infrastructure levy (HCIL) which has a chargeable rate of £125 per sqm in this location. This translates to a contribution of £33,875.

Each contribution would be subject to indexation.

STAFF COMMENTS

The principle of development has been established through the earlier consent. The material planning considerations are density and site layout (over that approved), design and impact on the character and appearance of the surrounding area (over that approved) and the impacts on neighbouring amenity and highway/parking.

PRINCIPLE OF DEVELOPMENT

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. 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.

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. Having regard to the above and mindful of the provision of additional housing contributing to unmet need there is no in principle objection to the redevelopment of the site.

The principle of development has been established through the earlier consent, however from review of the above officers consider that the proposals continue to align with policy objectives including those of the Havering Local Plan 2016-2031 which was adopted in the intervening period.

DENSITY/SITE LAYOUT

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. 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.

New dwellings must also demonstrate an acceptable arrangement of private amenity space. The Adopted Residential Design SPD states that private amenity space should be provided in single, high quality, usable, enclosed blocks which benefit from both natural sunlight and shading. The Residential Design SPD does not prescribe fixed standards for private amenity space, which can be restrictive on small and awkward sites. The London Plan (2021) offers guidance on this matter in the sense that minimum standards are present in Policy D6. It states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5

sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

These standards are reflected in the Havering Local Plan 2016-2031 at Policy 7 which requires compliance with the space standards referenced above.

The current proposals differ from the earlier approved submission through an uplift in prospective occupancy and number of rooms from 3B 5P to 4B 6P units. However this does not result in any deficit when the standards are applied and on balance the development would make provision for an adequate internal arrangement with acceptable levels of outlook and natural light as is required. The development furthermore would continue to make adequate provision for outdoor space, even in light of the increased ground floor footprint.

The development complies with Policy D6 of the London Plan 2021 and consequently Policy 7 of the Havering Local Plan 2016-2031.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy 10 of the Havering Local Plan 2016-2031 (HLP) is relevant as it states that 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 Framework states that the creation of high quality buildings and places 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. However an overarching consideration is the desirability of maintaining an area's prevailing character and setting (including residential gardens), of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. 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.

The main issues here amount principally to the departures from the scheme permitted through the appeals process. To that end, when viewed from the street any alterations would not be conspicuous or of a material nature. Consequently it is reasonable to assert that when viewed from the street the appearance of the development broadly would not depart significantly enough for permission to be withheld. It was recognised by the case officer and appeal inspector that the character of the street and surroundings was varied. Whilst the increased footprint at ground floor level would amount to what could be regarded as a substantial rear projection, mindful of the adjacent premises it is not considered that such a projection would be uncharacteristic. The changes in materials and finish throughout the development are not regarded as objectionable. A condition would be imposed requiring development constructed in accordance with drawings and materials set out in the application form.

The National Planning Policy Framework promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. The scheme represents an acceptable response to the constraints of the site and officers consider that the development would align broadly with the objectives of the Havering Local Plan 2016-2031, the NPPF and London Plan 2021. Particular consideration is given to the findings of the Appeal Inspector in allowing the earlier appeal and

limited changes to the resultant scheme when built out, irrespective of the change from conversion, to demolition and replacement of.

IMPACT ON AMENITY

Policy 7 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. This policy is to be read in conjunction with Policy 26 however the objectives are reflected in Policy 34 also which 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.

There is not considered to be any unacceptable loss of privacy or increased sense of overlooking which would be unneighbourly in planning terms over and above that considered by the Appeal Inspector. Officers note changes to roof accommodation and the arrangement of fenestration but this would not introduce any material considerations or increase overlooking beyond that expected in a suburban environment.

The increased rear footprint of the property, whilst exceeding Council guidance in terms of overall depth would not result in harm that could reasonably justify a decision to refuse permission. The unattached neighbour who would be most impacted by this change benefits from an extension of comparable depth. Any perceived loss of light, overshadowing or outlook would be, in planning terms, within acceptable tolerances as a result of the arrangement created by that neighbour and reliance on borrowed light/outlook.

Mindful of the appeal decision and findings of the Inspector, limited departures over the approved consent in terms of resultant building, the development is regarded as being in compliance with the Residential Extensions and Alterations SPD, Policies 7, 9, 26 and 34 of the Havering Local Plan 2016-2031, as well as the objectives of the Framework.

HIGHWAY/PARKING

Parking provision and matters of highway consideration are represented in Policies 23 and 24 of the Havering Local Plan 2016-2031. The PTAL rating for the site is 1B which translates to poor access to public transport. This would translate to a high provision of parking being required.

Public Transport Accessibility Levels (PTALs) are used by TFL to produce a consistent London wide public transport access mapping facility to help boroughs with locational planning and assessment of appropriate parking provision by measuring broad public transport accessibility levels. There is evidence that car use reduces as access to public transport (as measured by PTALs) increases. Given the need to avoid over-provision, car parking should reduce as public transport accessibility increases. London Plan Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.

Existing consented arrangements would be maintained. Two spaces per dwelling is not regarded as over provision in this location in the opinion of officers mindful of the low PTAL rating.

OTHER ISSUES

Withdrawal of permitted development for extensions and alterations with the exception of porches is considered to meet the tests set out within the NPPF, mindful of the form of development and amount and extent of development over and above that of existing dwelling. A

wheel wash condition is not considered necessary in light of the progress of development on site and the limited scale of development undertaken.

KEY ISSUES/CONCLUSIONS

Having regard to the above and in doing so all relevant planning policy and material considerations, in particular the findings of the Appeal Inspector APPROVAL is recommended accordingly.

RECOMMENDATION

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

1. 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. 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:-

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. Materials as per application form

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 14, aside from the use of red roof tiles as confirmed in writing to the LPA in an email dated 12-01-2022 with no other departures 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.

4. Landscaping

Prior to first occupation landscaping details shown on drawing no, 1007_PL01 shall be implemented. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:- To ensure that the development achieves a satisfactory level of landscape quality.

5. Refuse and recycling

Refuse/recycling: No dwelling shall be occupied or use commenced until refuse and recycling facilities are provided in accordance details shown on drawing no, 1007_PL01 have been implemented. Those waste/refuse facilities shall then be retained permanently thereafter.

Reason: To protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with Policy 35 of the Havering Local Plan.

6. Cycle Storage

Cycle storage: No dwelling shall be occupied or use commenced until cycle storage details shown on drawing no, 1007_PL01 have been implemented. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

7. Non Standard Condition 1

Hard surface porous/run-off - application site - All hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.

Reason: In order to ensure no water run-off from the hard surface which would contribute to risk of flooding.

8. Non Standard Condition 2

Boundary treatment: No dwelling shall be occupied or use commenced until boundary treatment as shown on drawing no, 1007_PL01 have been implemented. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority. No boundary treatment over 1.0m forward of the principal elevation of the dwellings is permitted irrespective of any details shown on approved plans.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to the first occupation of the dwellings will protect the visual amenities of the development, prevent undue overlooking of adjoining property.

9. Non Standard Condition 3

Hours of construction: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity.

10. Non Standard Condition 4

Car parking: Prior to the first occupation of the proposed dwelling hereby approved, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with Policy 24 of the Havering Local Plan.

11. Non Standard Condition 5

Permitted Development: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 including porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted without the express permission in writing of the Local Planning Authority.

Reason: In the interests of amenity and good design and to enable the Local Planning Authority to retain control over future development having regard to the amount and extent of development approved.

12. Non Standard Condition 6

Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy SI 5 of the London Plan..

13. Non Standard Condition 7

Building Regulations - All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy 7 of the Havering Local Plan and Policy D7 of the London Plan.

14. Non Standard Condition 8

Works shall be undertaken strictly in accordance with the details set out in the CMS submitted with the current application dated 20/12/2021.

Reason:- In the interests of amenity

15. Non Standard Condition 9

Balcony condition - The roof area of the single storey rear projection of the proposed dwelling 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 Policy 7 of the Havering Local Plan.

16. Non Standard Condition 10

Standard flank window condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window

or other opening (other than those shown on the submitted and approved 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.

17. Non Standard Condition 11

The proposed window on the flank elevations as shown on drawing nos. 1007_PL05 and 1007_PL06 shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained.

Reason: In the interests of privacy.

INFORMATIVES

1 Approval and CIL

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The Mayoral CIL levy rate for Havering is 25/m² and is chargeable for each additional square metre of residential gross internal [floor] (GIA). Based upon the information supplied with the application, £6,775 would be payable due to result in a new residential property with 271m² of GIA, however this may be adjusted subject to indexation.

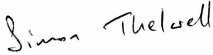
The proposal is also liable for Havering Council's CIL. Havering's CIL charging rate for residential is £125m² (Zone A for each additional square metre of GIA. Based upon the information supplied with the application, £33,875 would be payable, subject to indexation.

These charges are levied under s.206 of the Planning Act 2008. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website. You are also advised to visit the planning portal website where you can download the appropriate document templates at

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

2 Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: 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.

Authorising Officer:	Simon Thelwell		14-01-2022
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