

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1895.21

WARD : Upminster

Date Received: 30th September 2021

ADDRESS: 75 THE GROVE
UPMINSTER

PROPOSAL: Two-storey side extension, single storey rear extension and conversion of existing bin store and utility area to habitable space.
Revised Description and Revised plans recvd 17-12-21

DRAWING NO(S): 75TG-FUL-001/REVA
75TG-FUL-002/REVA
75TG-FUL-003/REVA
75TG-FUL-004/REVA
75TG-FUL-006/REVA
75TG-FUL-007/REVA
75TG-FUL-005/REVA Existing & Proposed Front Elevation
75TG-FUL-005 - Site Plan & Proposed Block Plan

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

SITE DESCRIPTION

Residential, two storey semi-detached dwelling finished in painted render. Parking on the drive to the front of the property. It is noted that the application dwelling has benefited from a hip to gable rear dormer window under permitted development. The surrounding area is characterised by single and two storey dwellings.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a two-storey side extension, single storey rear extension and conversion of the existing bin store and utility area to habitable space.

RELEVANT HISTORY

Y0404.21 - Single Storey rear extension with an overall depth of 6m, a maximum height of 3m, and an eaves height of 2.70m. (PRIOR APPROVAL)
Pr App Given 20-09-2021

P1370.00 - Single storey front, side & rear extensions, first floor side extension & garage conversion
Withdrawn 25-04-2001

CONSULTATIONS/REPRESENTATIONS

Four representations were received with their comments summarised below.

- Plans inaccurate, existing plan show loft but it has not been constructed at the time of submission.
- Proposal would double the floorspace when considering other recent applications.
- Proposal would be out of character with the surrounding area.

- No space between boundaries and would appear as a terrace and not be aesthetically pleasing.
- The roof line is out of character, hip roof is more in character with the street.
- Existing drawings show a loft extension but this was not constructed before application submitted.
- No record of planning consent being given although works have commenced on site.
- Resident reference reduces visible sky due to enclosing space and loss of view.
- Mirror effect and unbalancing of properties.
- New roof tiles on loft conversion are not in keeping with the area.
- Unsure why roof above first floor extension needs to be shown as not habitable space.
- Party Wall issues.
- No objections to the proposed development.

In response to the above, party wall issues are not a material planning consideration but a civil matter. A loss of view is not a material planning consideration. Works were due to commence on site prior to submission of application but this was delayed due to contractors and problems obtaining materials as advised by applicant.

The design and impact on the adjoining neighbours will be considered below. Works had commenced on site for the loft extension as this was being completed under permitted development and not as part of this planning application. Permitted development allows for certain works to be completed without requiring planning consent, as long as the proposal complies with certain criteria set out within legislation set by Central Government.

The Council have not control over design, loss light or privacy should the proposal meet with permitted development criteria.

RELEVANT POLICIES

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

Revised plans were received during the planning process as it was likely that the proposal was going to be refused due to the position of the first floor rear extension. In addition, the single storey rear extension being constructed under a prior approval had not been substantially complete and therefore needed to be included as part of the planning application.

Furthermore, the agent revised the design of the first floor side extension to have a gabled roof and not a hip roof. Neighbours were re-notified of these changes to allow for additional comments to be received should they wish to comment.

Following the consultation, revised plans were received with the first floor side being provided with a 1m set and increase from 0.7m initially provided.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The change of use of the existing bin store and utility area to habitable space would involve the removal of the garage door and the installation of a new window and rendered blockwork. Given that the materials used would match the existing dwelling it is not considered that there would be any adverse effect on the surrounding environment.

The application dwelling has benefited from a hip to gable roof alteration and rear dormer window under permitted development. As previously mentioned, the Council do not have any control over this form of development as long as the proposal meets the relevant criteria.

As such due to the works under permitted development, the pair of semi-detached properties have been unbalanced already as the attached neighbour has a hipped roof over the main dwelling.

The proposed side extension would be set back 1m to comply with Council guidelines. The proposal has been designed with a gabled roof to mirror the new gabled roof constructed under permitted development so they mirror the same roof design.

It is considered that it would be difficult to substantiate a refusal on appeal due to the unbalancing effect, mindful that the pair of semi-detached properties have already been unbalance by the works completed under permitted development.

The 1m set back from the front wall of the dwelling would create a break in the roof-line between the dwelling with its newly constructed gabled roof and the proposed first floor rear extension. This set back and lower roof line would prevent the properties being viewed as having a terracing effect.

A flat plateau would be behind the pitched roof of the extended garage when viewed from the front.

The proposed gabled roof two storey side extension would relate acceptably to the existing dwelling and no objections are raised from a visual point of view in regards to impact on the street.

The development is also visible from the rear garden. The extensions in the form of the first floor side extension and ground floor rear extension would relate acceptably to the existing property and it is considered the proposal would not unduly impact on the rear garden environment, as the proposal would be of an acceptable design and will relate well with the existing dwelling in

terms of bulk, scale and massing.

No objection are raised to the Juliette balconies from a visual point of view as they would only be visible from 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 proposed change of use of the existing bin store and utility area to habitable space would involve the removal of the garage door and the installation of a new window. The window would face the street, which is a public area, as such it is not envisaged that there would be any loss of privacy from this development.

The two storey side extension would be located on the north west side of the dwelling. It is not envisaged that this part of the proposal would have any impact on the amenity of the attached neighbour at No.77 The Grove as they are located to the south east and the first floor side extension would be located on the opposite side of the dwelling, well away from this neighbour and it would not project beyond the rear wall of the dwelling house.

Although, the ground floor rear extension has commenced on site as part of application Y0404.21, it has not been substantially complete and therefore the proposal needs to be assessed in line with the Council's current guidance for ground floor rear extensions.

The height of the ground floor rear extension would be 3m height which complies with Council guidelines, however, the overall depth at 6m would be greater than the 4m normally permissible under current guidance.

It is noted that No.77 The Grove has a single storey rear extension along the boundary which is approximately 3m deep and this has been confirmed from the floor plans submitted to the Council's Planning Department as part of planning application P0557.15.

An overall projection beyond No.77's ground floor rear extension of approximately 3m is not unusual and is envisaged within guidelines as acceptable when considering the impact of a 4m deep extension on the boundary with a neighbour that has not previously extended.

As a result, it is considered that the proposed development would not unacceptably impact on the amenity of the adjacent neighbours.

The proposed two storey side extension would be built up to the boundary with No.73 The Grove. It is noted that this neighbour has a part depth garage along the boundary with the application site to the front, a conservatory and rear extension to the rear dwelling and an outbuilding beyond the rear extension along the boundary with the application site.

The detached neighbour has two flank windows, one at ground floor serving the kitchen and one at first floor serving the landing. Less weight would be applied to the first floor window as it serves the landing which is considered to be a non-habitable area.

In respect to the kitchen window, it is noted that the extension to the rear of No.75 would have removed another opening looking onto the garden, it is noted there is another flank window on the side and on the rear elevation facing the garden in this extension. As such, less weight would be applied to the impact on this kitchen window on the flank wall of the dwelling as it

would be deemed to be a secondary light source.

Furthermore, the installation of flank windows on or close to the boundary are discouraged, as these windows claim light from exclusively outside of the site over land which a resident has no control. In such circumstances, the Local Planning Authority cannot undertake to safeguard the entry of light to the flank windows on the adjacent extensions.

The proposed 6m deep rear extension would extend the full width of the site. As previously mentioned, No.73 has been extended to the rear and it noted that the outbuilding would partly mitigate the depth of the proposed ground floor rear extension. As previously mentioned, the height of the ground floor rear extension complies with Council guidelines.

It is considered that the proposal including the Juliette balconies would not result in any undue overlooking or loss of privacy above existing conditions, particularly as there the first floor windows of neighbouring properties already overlook the rear garden areas of surrounding residential properties.

Given these circumstances and mindful of the general presumption in favour of development, it is considered any impact upon the adjacent neighbours to be modest and within that envisaged as acceptable within guidelines.

To safeguard the privacy of the adjoining neighbours, two conditions have been imposed to ensure that no openings will be added to side of the proposed extensions or that the flat roof of the rear extension would not be used as a balcony, roof garden or similar amenity area, unless specific permission is obtained in writing from the Local Planning Authority.

HIGHWAY/PARKING

Although space will be lost with the conversion of the bin store and utility area. Parking would still be retained to the front of the property..

The application site is within a PTAL area of 1a. As per The London Plan 2021 Policy T6.1 that for a site within Outer London PTAL 0 - 1 that has 3 plus bedrooms, the site only needs to provide a maximum parking provision of up to 1.5 spaces per dwelling, which is what the application site would be able to provide.

No highway or parking issues would arise as sufficient parking would be provided in line with guidance.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be in accordance with the above-mentioned policies and guidance and approval is recommended.

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. SC10 (Matching 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.

3. 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.

4. SC46 (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.

5. 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.

INFORMATIVES

1 Land Ownership

The applicant is advised that this planning permission does not give consent for any part of the development including guttering and fascias to encroach onto any land not within the applicant's ownership.

2 Party Wall

This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The

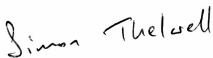
Party Wall Etc. Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters.

A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government.

<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

3 **Approval following revision**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 38 of the National Planning Policy Framework, improvements required to make the proposal acceptable were negotiated with Mr Singh (Applicant) by phone and e-mail. The revisions involved removal of the first floor rear extension, incorporating the single storey rear extension being constructed under a prior approval as part of the planning application as it had not had been substantially complete, a revised the design of the first floor side extension to have a gabled roof and not a hip roof which neighbours were re-notified about and the first floor side extension being set back 1m from the front wall. The amendments were subsequently submitted on 17-12-21, 14-01-22.

Authorising Officer:	Simon Thelwell		14-01-2022
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