

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P2012.21

WARD : St Andrew's

Date Received: 18th October 2021

ADDRESS: 5 HAZEL CLOSE
HORNCHURCH

PROPOSAL: Proposed demolition of single storey rear annex to existing house and construction of single storey, flat roof, rear and side extension.
Revised plans received 04.02.22

DRAWING NO(S): 2021/HAZELCLOSE/P10A
2021/HAZELCLOSE/P11B
2021/HAZELCLOSE/P12
2021/HAZELCLOSE/P20
2021/HAZELCLOSE/P21B
2021/HAZELCLOSE/P22A
2021/HAZELCLOSE/P23
2021/HAZELCLOSE/P26A
2021/HAZELCLOSE/P27
2021/HAZELCLOSE/SLP

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

SITE DESCRIPTION

Residential, semi-detached bungalow finished in painted render. Parking in the garage and to the side of the property. The application site is an irregular shaped plot of land. The cul-de-sac is characterised by semi-detached properties. The surrounding area is characterised by single and two storey dwellings.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a proposed demolition of single storey rear annex to the existing house and construction of a single storey, flat roof, rear and side extension

RELEVANT HISTORY

No relevant planning history.

CONSULTATIONS/REPRESENTATIONS

Eight representations were received with their comments summarised below, two of which were from Havering Councillors.

- Application is inaccurate with previous use of the property - reference to garage as being an annexe.
- Omission of key elevations and dimensions.
- Hazel Close is one of four closes with special character.
- Concerns regarding excessive height, scale, bulk and mass with loss of original features.
- Proposal does not respect the character and architectural design of the existing bungalows.
- Out of character with the surrounding area due to appearance, design and material used.
- Proposal design bears no relationship to the existing dwelling.

- Roof is higher than the eaves of the original dwelling
- Overshadowing, loss of light and privacy.
- 3d Drawings are misleading.
- Section 11 is incorrect - parking for 3 vehicles, 1 in garage & 2 on hardstanding behind gates.
- Dominant, overbearing, visually intrusive, creation of the tunnelling effect.
- Proposal would impact on adjoining neighbours constructing extensions.
- Encroachment of guttering on either side.
- Resident did not receive a letter regarding application.
- Loss of street parking.
- Loss of view.
- Party wall issues.

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.

Land ownership including fences or encroachment is a civil matter and not a material planning consideration.

The other issues will be considered in the following sections of the report.

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, initially an in-person site visit was not undertaken, however, further to the number of representations and interest, the officer visited the site. Site photos were provided by the agent and additional ones were taken by the officer during their visit and these were used to assess the application. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

Various amendments were requested during the planning process for clarity. Neighbours were re-consulted during the process due to a material change in the scheme where the flank wall

adjacent to No.6 was re-designed. In addition revised plans were received for clarity in respect parking and fencing within the site and to also to allow the Local Planning Authority to come to an informed view on the application.

The application refers to the demolition of annex, the term can mean a building joined or associated with a main building providing additional space or accommodation. In this particular instance the word annex refers to the detached garage. The garage is not being used for living accommodation.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed side extension would be visible from the street, however, it would be well removed from the back edge of the footpath. It is noted that the application dwelling is located at the bottom of the turning head and will be visible.

The proposed side extension would be of a contemporary design and be constructed of black aluminium pc cladding. The Residential Extensions and Alterations SPD outlines that "in most instances an extension which closely matches the design of the original property in terms of roof style, materials and window size is likely to be the most appropriate design solution, particularly where the extension can be seen from the front or side of the property. However, in some instances contemporary design solutions may be appropriate for rear extensions, through the use of high quality materials and design which complements the original house and has minimal impact on neighbouring properties. The use of high-quality light-weight materials such as timber and glazing can create a bright and usable extension".

It is acknowledged that the proposal would be visible from the front but it would be set back approximately 4.25m from the front of the dwelling. The use of glazing would provide a bright and usable extension.

The representations refer to the proposal being above the eaves of the original dwelling and that this would be out of character with the three other closes of Beech, Maple and Willow which are of a similar design to Hazel Close.

Given the position of the extension the height above the eaves would not be that visible. The extension would clearly read as a later addition to the original dwelling. The site is not within a conservation area and the dwellings are not considered to provide a significant degree of uniformity at the rear where there have been a variety of extensions. It is noted that an extension at No.10 Beech Close has been extended with a side and rear extension, which is above the eaves of the original dwelling. It is considered that it would be difficult to demonstrate the harm of height of the extension above the eaves, mindful of this design within the neighbouring street and that this type design is now more utilised. It is considered the proposal projecting above the eaves would not be substantiated on appeal.

Furthermore, it is acknowledged that the depth of the ground floor rear extension initially could have been deemed to be excessive. However, changes were made during process to lessen the impact of the proposal by removing the chimney and reducing the depth adjacent to No.6 before the proposal tapers away from this boundary.

Clarification was sought during the process in respect to the materials being used adjacent to No.6. The agent provided an elevation showing that the flank wall which would be of face brick or subject to agreement with the adjoining neighbour, for it to be rendered. Issues regarding access and maintenance is not material planning consideration but a civil matter.

Mindful of the location of flank wall, the use of brick or render would be acceptable due to the use of these materials within the surrounding area.

Although, the materials used in the proposed side/rear extension are not similar to dwelling house, a contemporary designed rear extension are not unacceptable. The proposal would not unduly impact on the street scene or on the rear garden environment. It is considered that it would be difficult to substantiate a refusal on appeal.

IMPACT ON AMENITY

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

The neighbours at Nos. 4 and 6 Hazel Close would be the properties would be most affected by the proposed development. Neighbours further away would not be impacted from an amenity point of view, as the neighbouring dwellings and their extensions and garage on either side of the application dwelling would screen the proposed development.

No.4 Hazel Close the detached neighbour, lies to the south west of the application site and it is noted that this neighbour has a single storey crowned roof side/rear extensions. The shared driveway separates both the application dwelling and this neighbour.

Orientation is particularly important and extensions of this may be acceptable where they are proposed to the north of the adjoining property. The proposal would lie to the north/north east of this neighbour and therefore no loss of sunlight would arise. Mindful of the position of the neighbouring side/rear extension at No.4 and the separation distance between the proposal and boundary and the neighbouring dwelling, it is considered that the proposed side/rear extension would not unacceptably impact on the amenity of the adjacent neighbours at No.4.

There concerns regarding privacy and the amount of glazing facing No.4. The submitted plans indicate that a new 2m high timber fence will be erected along the boundary as shown on 2021/HAZELCLOSE/P11B. This 2m high fence could be added under permitted development, however, a condition will be imposed to protect the privacy of the adjoining neighbours at No.4 Hazel Close.

Taking the above into consideration, it is considered that the proposed development would not unacceptably impact on the amenity of the adjacent neighbours.

Of a greater concern was the impact on the attached neighbour at No.6 Hazel Close. It is noted that this neighbour has no extension to the rear of their dwelling and the nearest window on the boundary serves a bedroom.

Although, the proposal would have a height of approximately 3.2m within the site, the proposal would only be 3m when measured from the patio of No.6. Concerns were raised regarding the depth of the proposal along the boundary and the agent made changes, so the proposal was amended to fall within the guidance as outlined within the Residential Extensions and Alterations SPD.

The overall depth and height of the proposal at 4m and 3m respectively when measured from No.6 complies with guidance and the additional depth in the chamfered(angled wall) falls within a 45 degree line from the 4m point, which is prescribed by Council's guidelines.

It is considered mindful that the proposal falls within the spirit of adopted guidelines for

householder extensions that it would be difficult to substantiate refusal on appeal as the depth and height falls within guidance.

It is acknowledged that the proposal will in part create a tunnelling effect between the boundary and the characteristic rear projection of No.6 but mindful that the proposal complies with guidance and other properties within the close have also extended in a similar way along the boundary, that it would be difficult to refuse on neighbourly grounds.

The agent has indicated on the submitted drawing that the flank wall adjacent to No.6 could either be finished in face brick or render subject to access being obtained. The use of either materials would be acceptable, however, the use of render would provide some reflective appearance if finished in a white render.

The existing fence along the boundary with No.6 is 1.8m high and sufficient to protect the privacy of the adjacent neighbours at No.6, however, the agent has stated drawing number 2021/HAZELCLOSE/P23 that this could be increased to 2m subject to the neighbour's agreement.

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

The application site has currently a front garden with a garage and parking to the side. The driveway between the properties at Nos.4 and 5 is shared, to allow access to the side of the property.

A standard parking space is 4.8m long by 2.4m wide. The representations have stated that 3 parking spaces will be lost where in fact the existing garage and space to the side behind the gate could only provide 2 parking spaces.

The application site is within a PTAL area of 2. As per The London Plan 2021 Policy T6.1 that for a site within Outer London PTAL 2-3 that has 3 plus bedrooms, the site only needs to provide a maximum parking provision of up to 1 spaces per dwelling, which is what the application site would be able to provide, with some organisation of the front garden.

A condition would be imposed to provide the parking space as shown on 2021/HAZELCLOSE/P27 following the re-organisation of the front garden. The creation of the driveway can be done under permitted development and informative has been added. It is noted that other neighbouring properties have removed their front gardens, some of which to provide additional parking.

It is considered that it would be difficult to substantiate a refusal on appeal.

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. SC05A (Number of parking spaces)

One car parking space shall be provided on-site in accordance with drawing no. 2021/HAZELCLOSE/P27 and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety.

3. SC13 (Screen fencing)

A 2m high timber fence shall be erected along the boundary with No.4 Hazel Close prior to the occupation of the proposed side/rear extension and the fencing shall be permanently retained and maintained thereafter.

Reason:-

To protect the visual amenities of the development and prevent undue overlooking of adjoining property.

4. 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.

5. 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.

6. 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 Hardstanding Informative

The applicant is advised that planning permission is not required for new or replacement hardstanding of any size which uses permeable (or porous) surfacing and allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally.

However, if the surface to be covered is more than five square metres planning permission will be needed for laying traditional, impermeable driveways that do not provide for the water to run to a permeable area.

3 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>

4 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 Thomas by phone and e-mail. The revisions involved re-designing the depth of the proposal adjacent to No.6, clarification in respect parking and fencing within the site and to also to allow the Local Planning Authority to come to an informed view on the application. The amendments were subsequently submitted on 17-12-21, 06-01-22 & 04.02.22.

Authorising Officer:	Simon Thelwell	<i>Simon Thelwell</i>	04-02-2022
Authorising Officer:	Simon Thelwell		04-02-2022