

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0090.22

WARD : Upminster

Date Received: 20th January 2022

ADDRESS: 20 HUNTSMANS DRIVE
UPMINSTER

PROPOSAL: Part single, part two storey rear extension, and first floor side extension over existing garage
Revised plans received 29.03.22

DRAWING NO(S): HD/01
HD/100
HN/101/A
HD/102/A

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 face brick and painted render. Parking in the garage and on the drive to the front of the property. The surrounding area is characterised by two storey semi-detached dwellings.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a first floor side extension over the existing garage with a part single, part two storey rear extension.

RELEVANT HISTORY

ES/HOR 865/53 - Estate layout - Refused.
ES/HOR 1065/55 - Residential development - Approved.
ES/HOR 1065/A/55 - 1 of 62 houses - Approved.
L/HAV 1766/73 - Rebuild garage, store and toilet extension - Approved.

CONSULTATIONS/REPRESENTATIONS

No representation were received as part of the consultation process.

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.

Negotiations were undertaken during the planning process to reduce the depth of the first floor side extension and provide a greater set back from the front wall of the application dwelling and to show 45 degree line from centre of first floor window at No.22 Huntsmans Drive.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The first floor side extension has been designed with a set back of approximately 2.25m as revised, from the front wall of the dwelling which would be greater than the 1m normally requested under current guidance. The set back at first floor level would create a break in the roof-line and for a subservient appearance to be provided to comply with Council guidelines.

A new mono-pitched roof would connect the existing garage and proposed first floor side extension.

The first floor side extension including the pitched roof over the garage 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 single/two storey rear extension would be noticeable within the rear garden environment with oblique views from the street due to the staggered building line and that the application dwelling projects forward of the detached neighbour at No.22.

No objections are raised to the ground floor rear extension from a visual point of view.

Rear extensions to semi-detached houses should be carefully designed in order to minimise their bulk and although, the 4m depth of the first floor rear extension would exceed the 3m normally permissible, it is considered that this part of the proposal would relate acceptably to the existing property as the development is considered to be generally subservient in appearance and of an acceptable design. In terms of local character, it is not judged to be materially out of keeping, particularly noting the depth and projection of the neighbouring property to the site.

It is considered that the depth of the first floor extension would be acceptable due to the staggered building line and the projection of the neighbouring property at No.22 further back into the plot.

Given these circumstances and mindful of the general presumption in favour of development, it is considered that the proposal would not unacceptably impact on the street scene or on the rear garden environment. Furthermore, it is considered that it would be difficult to substantiate a refusal

on appeal on design grounds and as a result, no objections are raised from a visual point of view.

IMPACT ON AMENITY

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

The first floor side extension would be located on the south side of the dwelling. It is not envisaged that the proposal would have any impact on the amenity of the attached neighbour at No.18 Huntsmans Drive as they are located to the north and the proposal would be located on the opposite side of the dwelling. No objections from a neighbourliness point of view to this part of the proposed development.

No.22 Huntsmans Drive lies to south west of the application dwelling and it set back from the building line and would be the property most affected by the proposal. It is noted that this neighbouring property has benefited from a loft conversion with a hip to gable roof and rear dormer window and it is noted that they have an attached garage and a single storey side/rear extension.

Council records show that the two first floor windows on the front elevation of No.22 serve bedrooms.

The impact of the proposal on this neighbour is finely balanced. The greater set back at first floor level creates a break in the roof line and softens the impact of the proposal when viewed from this neighbour.

In addition, orientation is particularly important and extensions of this kind may be acceptable where they are proposed to the north of the adjoining property, which is the case in this instance as no loss of sunlight would arise.

However, the proposed development would be built up to the boundary and due to the position of the application dwelling, the proposal would project forward of this neighbour.

It could be considered that the depth of the projection forward of the detached neighbour at No.22 as initially submitted, would unacceptably overbear and dominate the outlook of the neighbouring dwelling and the front facing windows and amenity of this neighbour and their enjoyment of their house.

However negotiations were undertaken to lessen the impact on the detached neighbour from the first floor side extension by increasing the set back from the front wall of the dwelling. The first floor was set back further back from the front wall of the dwelling house and the agent indicated that the revised scheme would not infringe a 45 degree line taken from the centre of the window sill.

The nearest first floor bedroom window at No.22 is set in approximately 2.4m from the boundary with the application site, which creates a gap.

Given these circumstances and mindful of the of the general presumption in favour of development and the particular relationship to this neighbour in relation to the favourable orientation and aspect, any additional light loss to neighbouring property is considered to be within the realms of acceptability.

The proposed depth and height of ground floor rear extension excluding the roof light complies with Council guidelines at 4m and approximately 3m respectively. It is considered that the proposed ground floor rear extension would not impact on the amenity of the attached neighbour at No.18. Huntsmans Drive.

The proposed roof lights on top of the ground floor rear extension would be sufficiently removed from the side of the extension, not to unacceptably impact on the adjacent neighbours at No.18.

The 4m depth of the first floor rear extension exceeds Council guidelines, however, it would be set off the common boundary by approximately 3.35m. It is noted the proposed first floor rear extension would not infringe upon a notional line taken from common boundary with No.18 Huntsmans Drive at first floor level created by a 2m separation distance and the 3m depth of the extension, this is due to the separation distance between the boundary and the extension.

As a result, it is considered that the proposed single/two storey rear extension would not unacceptably impact on the amenity of the adjacent neighbours at No.18 Huntsmans Drive.

The proposed single/two storey rear extension which would be located to the rear of the dwelling and would be set back from the front elevation of No.22. The proposed rear extensions would be mitigated by the neighbouring dwelling at No.22 and its single storey side/rear extension but also due to the fact this property is set back further back into the plot.

Given these circumstances, it is considered any impact upon the adjacent neighbours to be modest and within that envisaged as acceptable within guidelines.

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 proposed extension.

To safeguard the privacy of the adjoining neighbours, several conditions have been imposed to ensure that no openings will be added to side of the proposed extensions, the first floor flank window on the side extension would be obscured glazed and fixed shut apart for the fanlight and 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

No highway or parking issues would arise as a result of the proposal.

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. SC34B (Obscure with fanlight openings only)

The proposed first floor flank window on the side extension shown on drawings HD/101/A & HD/102/A shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut and thereafter maintained, with the exception of any top hung fanlight(s).

Reason:- In the interests of privacy.

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
Land Ownership Informative

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

2 Protection of Light to First Floor Flank Window
Informative - Protection of Light to First Floor Flank Window

The applicant should note, that 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 proposed first floor side extension.

3 Party Wall
Party Wall Informative

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 Bayford (Agent) by phone and e-mail. The revisions involved reducing the depth of the first floor side extension and showing 45 degree line from centre of first floor window at No.22 Huntsmans Drive. The amendments were subsequently submitted on 29-03-22.

Authorising Officer: Neil Goate

01-04-2022