

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0175.22

WARD : South Hornchurch

Date Received: 7th February 2022

ADDRESS: 10 VICTORY ROAD
RAINHAM

PROPOSAL: Retention of outbuilding and proposal for temporary use for residential purposes during construction works on main house.
(Retrospective Application)

DRAWING NO(S): PL01
PL02 Revision A
PL03 Revision A
PL04 Revision A

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

SITE DESCRIPTION

The application site is located on the eastern side of Victory Road. The property is a two storey end of terrace dwelling. Works have been undertaken to loft and a ground floor rear extension has been recently added. The surrounding area is characterised by two storey semi-detached and terraced properties.

There is access via the side of the property into the rear garden and this is gates access to allow neighbours access to the rear of the properties adjacent to the application site.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for the retention of the outbuilding and for temporary use for residential purposes during construction works on main house.

The outbuilding has a building footprint of approximately 66 s.qm with a flat roof with a height of approximately 3.26m. The internal layout include a kitchen and as stated on the plans a temporary living//dining area, a shower room, a bedroom and storage which has been insulated temporary as stated on the plans. It has windows and a door facing the garden.

The photos show that there is a wooden fence and gate separating the outbuilding from the garden.

RELEVANT HISTORY

P2264.21 - First floor rear extension
Awaiting Decision

E0048.21 - Existing use certificate of lawfulness for a hip to gable loft conversion with rear dormer & roof lights
Awaiting Decision

P0677.21 - Retention of loft conversion and proposed first floor rear extension.
Refuse 04-06-2021

Y0393.20 - Single storey rear extension with an overall depth of 6m, a maximum height of 3m, and an eaves height of 2.8m. (PRIOR APPROVAL)
Pr App Not Req'd 23-12-2020

CONSULTATIONS/REPRESENTATIONS

One representation was received with their comments summarised below.

- Outbuilding was being used for residential purposes since July 2021 when reported.
- The existing garage was renovated into a house.
- The property has been divided into two sections with no planning permission.
- If consent is give, the outbuilding will be used for residential purposes once works are finished.

The above comments will be considered in the following sections of the report.

Refuse and recycling Department has provided comments in respect to collections.

RELEVANT POLICIES

LONDON PLAN (adopted 2021):

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

Policy D4 - Delivering good design

Policy D6 - Housing quality and standards

Policy T6 - Car parking

Local Plan

Policy 7 - Residential design and amenity

Policy 26 - Urban design

LDF

SPD04 - Residential Extensions & Alterations SPD

OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

CIL may not be applicable in this instance as the application is for a proposed annexe (essentially an extension to a dwelling) of less than 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 for applications on the site, in addition to photos taken by Council's Planning Enforcement Team. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

This application submitted is for the retention of the outbuilding following an enforcement investigation ENF/680/20.

The main issue for consideration is the impact of the outbuilding in the rear garden environment, the impact to neighbours amenity and whether the proposal constitutes an temporary structure.

DESIGN/IMPACT ON STREET/GARDEN SCENE

In considering this application, the Residential Extension and Alterations SPD (2011) provides planning guidance for annexes and dependent relatives accommodation. The policy requires that an annex should have shared facilities with the main dwelling in order to ensure it does not become a self contained unit. In addition, the scale of the granny annex should be subordinate to the main dwelling.

It is noted that in this instance that the application is for the retention of the outbuilding and for it to be used for temporary residential purposes during construction works on main house.

For purposes of this assessment, the Council have considered the use of the outbuilding as an annexe.

The footprint of the outbuilding for residential accommodation is approximately 46sqm, while the building footprint of the main dwelling (including extension) is approximately 36sqm. The outbuilding has a greater building footprint than the main dwelling, although it would only be single storey and not two storey, with a height of 3.25m with a flat roof and be built up to all three boundaries.

It would have a depth of approximately 6.68m and a width of approximately 10.66m.

The annexe with a Gross Internal Floor Area (GIA) of approximately 46square metres, is similar to the minimum size standards for a 1b1p unit (39sqm) as described in Table 3.1 of Policy D6 of the London Plan 2021. Potentially the other storage area could be readily converted into a further bedroom, however, officers can only consider the proposal submitted.

The outbuilding has facilities which allow the unit to operate without any reliance on the host property and is located approximately 18.65m away from the extended dwelling with its 6m deep rear extension, which form part of the prior approval application Y0393.20.

Photos taken by Council officer in respect to the enforcement investigation, show the internal specification of the outbuilding is of a high standard compared to other temporary units.

Taking the above into consideration it appears that the detached outbuilding as a living accommodation would be able to function independently of the main dwelling, including the opportunity to have a separate access point if required.

It is noted that the intended use is for temporary purposes while works are being undertaken to the main dwelling house. However, mindful of the internal layout and the standard of finish, the building could easily function separately, once works have been completed and depending on the period to complete the works. It is considered that applying a condition for the outbuilding for temporary living purposes on completion would be difficult to enforce and monitor.

Whilst it is acknowledged that a number of other houses have outbuildings at the bottom of the garden, this proposal is of an entirely different character. The size and scale of the outbuilding is also of concern, as it would appear much larger than surrounding outbuildings in this locality and therefore out of character within the rear garden scene. The width is double that of the host property.

The outbuilding and its use would set an undesirable precedent which would contribute to the overdevelopment of the site that goes against the pattern of development of the surrounding area.

In addition, the Council are considering a number of extensions to the application dwelling in the

form of a loft extension and ground and first floor rear extension which some are also being investigated by Planning Enforcement.

The height of the outbuilding would be higher than normal for an outbuilding within the rear garden and it will be visible obliquely from the street and from the neighbouring garden.

On this basis, the bulk, scale and siting of the development to be retained and in addition with the existing and proposed extensions on the site, will contribute to the loss of the open character of the rear garden environment which is sought to be maintained under Policy 26. The proposed development does not enhance, maintain or improve the character of the garden scene and does not respond to the pattern of development. The proposal cannot be considered to be an annexe, as defined in the Residential Extensions and Alterations SPD and could ultimately function as a self-contained residential unit. For these reasons the proposal is considered to be contrary to planning policy and guidance.

IMPACT ON AMENITY

Whilst the effect on the host dwelling is acceptable to the current occupiers, in the longer term the effect of a separate dwelling in what should be a private garden area would be detrimental to the living conditions of the occupiers of the host dwelling and the immediate adjoining neighbours. Whether used by an extended family in conjunction with the mainhouse, or as a totally separated and independent unit, it would be harmful to the character of the rear garden and the pattern of development in the area, having an impact on the visual amenity of surrounding residents because of the bulk, mass and siting of the proposal.

It is considered that there would be comings and goings to the proposed annexe that would result in a significant change in the level of disturbance to the rear garden environment and the amenity of neighbouring properties.

Overall it is considered that the proposed annexe would result in a significant and undue impact on the amenity of neighbouring properties pursuant to Policy 7 and the Residential Extensions and Alterations SPD.

HIGHWAY/PARKING

No adverse impact on parking. This could change if the building annexe were to be used as a separate unit of accommodation in the future.

KEY ISSUES/CONCLUSIONS

The proposal by reasons of its scale, massing and siting is harmful to the character of the rear garden environment and represent an overdevelopment of this space with residential amenity impacts, inconsistent with the prevailing pattern of development and contrary to the objectives of Policy 7 and Policy 26 and the Residential Extensions and Alterations SPD.

The personal circumstances of the family has been taken into consideration, however, given the usual and unavoidable change in circumstances, personal circumstance can rarely override the proper concerns of planning policy which has to balance the public good against individual benefit.

In this case the harmful effects of the proposal as identified above outweigh the benefits, as such it is recommended that planning permission is REFUSED.

RECOMMENDATION

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

1. Reason for refusal

The development, would by reason of its bulk, mass and siting including the existing extensive extensions on the site, represent an overdevelopment of the garden environment which is inconsistent with the prevailing open character of the rear garden scene and pattern of development, contrary to Policy 26 of the Local Plan 2021 and the Residential Extensions and Alterations SPD (2011).

2. Impact to amenity

The development, which could function as a self-contained residential unit in the rear garden scene, would result in an unprecedented and unacceptable impact on visual amenity, including additional comings and goings, noise and disturbance associated with the use and would be out of character with site and surrounding areas, contrary to Policy 26 of the Local Plan 2021 and the Residential Extensions and Alterations SPD.

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 Durrani (Agent) by e-mail on 27-04-22.

Authorising Officer: Raphael Adenegan
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27-04-2022
