

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0716.22

WARD : Marshalls & Rise Pk

Date Received: 4th May 2022

ADDRESS: LAND ADJ 190 PARKSIDE AVENUE
ROMFORD

PROPOSAL: Erection of a 2 storey, 3-bed, attached dwelling with associated parking and amenity space including the demolition of a rear garage block and shed

DRAWING NO(S): 1022.1,
1022.2 RevA,
1022.3 RevA,
1022.4,
1022.5,
Design and Access Statement,

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 comprised of part of a residential garden to the side and rear of No. 190 Parkside Avenue.

The site is located on a prominent corner plot fronting Parkside Drive to the north and adjacent to Fontayne Avenue to its east boundary.

The site is not located within a conservation area or located within the curtilage of a listed building.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the erection of a 2 storey (3B5P) dwellinghouse on land to the east side of No. 190 Parkside Avenue.

The new dwelling would have a width of 7m, a depth of 10m, a maximum eaves height of 5m and a ridge height of 7m.

The proposed walls would be finished in render and the roof would be finished in tiles to match the existing. The new windows and doors would be uPVC.

2 Parking spaces are proposed within the rear garden for the new dwelling.

RELEVANT HISTORY

P1728.21 - Two storey, 3-bed, end terrace dwelling with associated parking and amenity space
Refuse 04-11-2021

P0765.06 - 1st floor rear extension
Apprv with cons 13-06-2006

P0042.06 - Single storey rear extension, rear dormer window, detached garage

Apprv with cons 02-03-2006

P0160.04 - First floor front extension

Apprv with cons 26-03-2004

CONSULTATIONS/REPRESENTATIONS

The application was consulted in accordance with statutory requirements and 5 letters of objection were received in response raising the issues summarised below:

The new application will changed No. 188 from being semi-detached to an end of terrace dwelling and impact on its value;

This is also out of character with existing properties in the road;

The only change to the new proposal is front elevational design changes, my previous objection still remains;

The host dwelling has been extended forwards;

Excessive height, bulk and mass, loss of light and visually intrusive feature in the street scene;

Too many houses in a small plot;

No adequate parking and the vehicle access proposed to and from the public highway would be altered;

Rear access would decrease the parking in Fontayne Avenue;

Parking in garden area is not suitable and reduces the usable green space to under a reasonable level;

Create more traffic and more issues with parking;

Bathroom size for new dwelling does not meet the minimum size required for a 3 bed family home.

Officer response: The Officer response to the above material issues raised within the objections are within the relevant sections of this report below. It should be noted that objections based on matters arising from the construction process and loss of property value are not material planning considerations.

Internal responses were received as below.

LB Havering waste and recycling team: Waster storage to be provided. Waste and recycling sacks to be presented by 7am on collection day. Please refer to Waste Management Practice Planning Guidance document.

LB Havering Street Public Protection (Air Quality): No objection subject to boiler emissions condition.

LB Havering Street Public Protection (Land Contamination): No objection.

RELEVANT POLICIES

Havering Local Plan
Policy 3 Housing supply
Policy 7 Residential design and amenity
Policy 10 Garden and backland development
Policy 24 Parking provision and design
Policy 26 Urban design
Policy 27 Landscaping
Policy 32 Flood management
Policy 33 Air quality
Policy 34 Managing pollution
Policy 35 On-site waste management

London Plan (2021)

Policy D3 Optimising site capacity through the design-led approach
Policy D4 Delivering good design
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D11 Safety, security and resilience to emergency
Policy D14 Noise
Policy H1 Increasing housing supply
Policy H2 Small sites
Policy SI 1 Improving air quality
Policy SI 13 Sustainable drainage
Policy T6.1 Residential parking
Policy T7 Deliveries, servicing and construction

National Planning Policy Framework (2019)

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places

MAYORAL CIL IMPLICATIONS

The proposed development will create 1 new residential unit with 96sqm of new gross internal floorspace. The proposal is liable for LB Havering CIL and will incur a charge of £12,000 (subject to indexation) based on the calculation of £125.00 per square metre. The proposal is also liable for Mayoral CIL and will incur a charge of £2,400 (subject to indexation) based on the calculation of £25.00 per square metre.

STAFF COMMENTS

The main considerations of this revised scheme relate to the principle of the development, the impact on the character and appearance of the surrounding area, the implications for the residential amenity of the future occupants and of nearby houses, and the suitability of the proposed parking and access arrangements.

PRINCIPLE OF DEVELOPMENT

The National Planning Policy Framework (NPPF) seeks to boost the supply of homes and advises of the importance that a sufficient amount and variety of land can come forward where it is needed. The NPPF promotes residential development that would utilise previously-developed or 'brownfield' land. The NPPF defines previous developed land and states that this does not include residential gardens. Paragraph 71 of the NPPF encourages Local Planning Authorities to resist inappropriate development of residential gardens, for example where development would

cause harm to the local area. This indicates that appropriate development of former residential gardens would be acceptable in circumstances where it does not cause harm to the surrounding area or environment.

Whilst the NPPF maintains the primacy of the local development plan the proposed dwelling within the curtilage of residential properties including former garden land must still be assessed on its own merits in the context of development plan policies and material considerations.

Local Plan policy 10 supports residential development on garden land and backland sites subject to the development meeting parts i-vi of this policy which is assessed below.

(i.) The proposals would ensure good pedestrian access from Parkside Avenue and vehicle access from Fontayne Avenue for the new dwelling, but it has not been demonstrated that it would retain existing through routes for No. 190 as there is a rear garage building at its rear boundary with a solid rear wall; (ii.) the proposals would retain and provide adequate amenity space for existing and new dwellings; (iii.) the proposals would impact on the amenity of existing occupants through the loss of side windows and impact on the daylight within the donor dwelling; (iv.) the development would not prejudice the future development of neighbouring sites; (v) the proposals would not result in significant adverse impacts on green infrastructure and biodiversity and (vi.) the site is not within the Hall Lane and Emerson Park Character Areas.

In summary the proposals would be contrary to Local Plan policy 10 and the principle of the redevelopment of the site is considered unacceptable until the above issues can be overcome.

DENSITY/SITE LAYOUT

The proposed dwelling would be acceptably designed and have an acceptable internal layout providing dual aspect accommodation with acceptable outlook and privacy and floor to ceiling heights within all habitable rooms. Its bed space sizes would meet LP policy D6 (2) and (3); and it would have a GIA of 96sqm which would be above the 93qm required for a 3B5P (2 storey) to achieve the minimum internal space standards for new dwellings set out by Table 3.1 of London Plan policy D6.

The proposed scheme would provide a private rear garden of approx. 86sqm and would retain approx. 84sqm to No. 190. Further details of landscaping and screening would be secured by condition should permission be granted.

This revised scheme now includes section plans to demonstrate that a minimum floor to ceiling height of 2.3m for at least 75 per cent of the Gross Internal Area of the dwelling has been achieved to comply with the NDSS. Furthermore, a condition would ensure the dwelling is built out to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' in compliance with LP policy D7.

Overall, it would provide a good standard of accommodation within and would be in compliance with London Plan policy D6.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The application site is situated on the south side of Parkside Avenue on a prominent corner plot. Parkside Avenue is mainly comprised of detached and pairs of semi-detached 2-storey dwellings. These properties have spacious landscaped rear gardens some of which include mature trees and are adjacent to the rear gardens of properties on Fontayne Avenue. The rear garden of the site is visible from the rear of many nearby properties and from Fontayne Avenue, and the corner plot has a spacious and open character.

The proposals would effectively replace a pair of semi-detached dwellings with a short terrace of 3 dwellings. Whilst the large rear garden would be sub-divided by fences the rear gardens would still retain the openness and landscaped character of the area. It is regrettable that the characteristic gap within the streetscene would be infilled. However given the modest width of the dwelling at approx. 5.4m and that it would have a set back from the side boundary by approx. 1m at its nearest point would help reduce its visual impact.

Whilst the current scheme has now reduced the first floor massing to the front of the dwelling. The rear and side roof massing would still appear excessive and would overwhelm the donor building and adjoining dwelling of no. 188. It is also noted that there is an inaccuracy on the submitted drawings as the rear roof form appears to show a hipped roof form in the rear elevation and a gable end in the side elevation. A gable end would further increase the massing and would not be supported as its design and massing would be contrary to paragraph 5.12 of the Councils SPD Residential Alterations and Extensions. Nevertheless the proposed rearward bulk massing of the building and its roof form would fail to be subordinate and unacceptably dominate and overwhelm the host building which has already been extended.

When viewed from the rear along Fontayne Avenue, the proposed dwelling would have an overall scale, bulk and rearward projection that would overwhelm and unacceptably dominate the host building; and also unbalance the symmetry with that of its semi-detached pair of No. 188. It is acknowledged there are extensions to neighbouring buildings within the surrounding streetscene. However, the current proposals would create an anomaly within the streetscene detrimental to visual amenity and local character. In addition as the dwelling which is an extension to the existing building which has already been extended. When viewed from the front streetscene it would extend its front elevation wall to the depth of the existing front extension of the donor property. This would further unbalance the symmetry between the proposed dwelling and with that of the donor property and also that of its semi-detached pair of No. 188. The front elevation would need to be set back by at least 1m from the front wall of the adjoining extension to comply with paragraph 6.12 of the Councils SPD Residential Alterations and Extensions. As such it is considered that the proposals would fail to reflect the existing building lines and rhythm of the street contrary to the design guidance within Local Plan policy 26.

Materials:

The proposed dwelling would be finished in render with a tiled roof. The proposed doors and windows would be uPVC. The applications would be conditioned to ensure that any new hardstanding would comprise of permeable paving and adequate soft landscaping would be provided to comply with LP policy 10(v). Officers consider that the proposed materials would be in-keeping with surrounding properties and further details would be secured by condition had the application been acceptable in all other respects.

Overall, it is considered the proposed dwelling would by reason of its bulk, height, scale and mass, and its design would appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area and fail to comply with Local Plan policy 26.

IMPACT ON AMENITY

The proposals within the streetscene would effectively replace a pair of semi-detached dwellings with a short terrace of 3 dwellings. The new dwelling would block 2 upper floor side bedroom windows of No. 190 and a ground floor side door and window which serve a kitchen and dining room.

Officers have concerns regarding the loss of side windows to the long narrow kitchen/living room

and this room would likely result in a loss of daylight. However given that there are front and rear windows and that the upper floor bedroom would change to a toilet. Officers consider that there would be still adequate levels of daylight received within the rooms of No. 190.

With regard to privacy and outlook there would be no undue harm to neighbouring residents due to the relationships and separation distances involved.

Having regard to all of the above, the proposed dwelling would, by reason of its excessive scale bulk and massing would have an adverse effect on the visual amenity within the streetscene contrary to Local Plan policy 26.

HIGHWAY/PARKING

The application site is located within an area which is recognised as having a poor level of access to public transport (PTAL 1b) and consequently requires a 1.5 parking spaces for the proposed dwelling to comply with Local Plan policy 24 (table 11).

Car Parking

The supporting plans show that 2 parking spaces are proposed within the rear of the site and although there is sufficient space to retain off-street parking for No 190 within its front boundary. It would be within 10m to the junction with Fontayne Avenue and would not be supported as it would increase road danger contrary to London Plan policy T4 and Local Plan policies 23 and 24. Whilst there is no objection to retaining the existing garage and off street parking for the donor property at the rear of the site. The proposed layout would remove its rear/side access; and it has not been demonstrated that parking could be provided to the rear of the donor property. This is due to the narrow width of the rear access lane and the side access to its rear garage would be blocked by the proposed parking area of the new dwelling.

As such the development would fail to comply with London Plan policy T4 and Local Plan policies 23 and 24.

Cycle Parking

The application proposes 1 x 3B5P dwelling house. London Plan table 10.2 states that the minimum cycle parking spaces should be 2 long stay cycle spaces per dwelling and should be designed in compliance with London Cycle Design Standards (LCDS). The supporting plans shows there is sufficient space for the provision of 2 cycle spaces. However, as insufficient details have been provided to show provision of cycle parking retained on-site for No's 190 as their direct access to their rear garden would be removed. Further details would be secured by condition to ensure acceptable cycle parking is provided within the front boundary of No. 190 and within the rear garden of the proposed dwelling in compliance with London Plan policy T5 and the London Cycle Design Standards (LCDS).

Refuse and Recycling

There is insufficient supporting information with regard to refuse and recycling storage and collection arrangements. However, it is consider that refuse and recycling collection could be undertaken from the front on Parkside Avenue similar to the existing situation for 190. Officers consider that this would be acceptable and further details of refuse storage, collection and servicing would be secured by condition.

SUSTAINABILITY/ENERGY EFFICIENCY

LP Policy SI 5 states that development proposals should through the use of Planning Conditions minimise the use of mains water in line with the Optional Requirement of the Building Regulations (residential development), achieving mains water consumption of 105 litres or less

per head per day (excluding allowance of up to five litres for external water consumption).

As such should permission be granted a condition would secure this compliance and also a condition to control boiler emissions to improve air quality.

FLOOD RISK

Local Plan Policy 32 states that the Council will support development that seeks to avoid flood risk to people and property and manages residual risk by applying the Sequential Test and, if necessary, the Exception Test as set out in the NPPF.

The proposals include new areas of hardstanding. Therefore to ensure that there would be a reduction in surface water runoff and to prevent flooding to neighbouring development. A condition would be imposed to ensure that the scheme is designed to include sustainable drainage systems (SuDS) to comply with policy 32 and London Plan policies SI 12 and SI 13.

KEY ISSUES/CONCLUSIONS

On the 30th May 2022, the Government issued Havering with an updated Housing Delivery Test result for 2021. The update takes account of the adoption of the Havering Local Plan in November 2021 and reflects the stepped housing targets set out with the Plan for the period 2016-2031. The updated Housing Delivery Test Result is 78%. In accordance with the NPPF the "Presumption" due to housing delivery therefore does not apply.

Based on the latest (2019) Housing Trajectory, Havering cannot currently demonstrate a five year supply of deliverable housing sites. The Havering Local Plan was found sound and adopted in 2021 in the absence of a five year land supply. The Inspector's report concluded:

"85. Ordinarily, the demonstration of a 5-year supply of deliverable housing land is a prerequisite of a sound plan in terms of the need to deliver a wide choice of homes. However, in the circumstances of this Plan, where the housing requirement has increased at a late stage in the examination, I ultimately conclude that the Plan, as proposed to be modified, is sound in this regard subject to an immediate review.

86. This is a pragmatic approach which is consistent with the findings of the Dacorum judgement. It aims to ensure that an adopted plan is put in place in the interim period before the update is adopted and the 5-year housing land supply situation is established."

The Council is committed to an immediate update of the Local Plan and this is set out in the Council's Local Development Scheme. An update to the trajectory is being prepared but there is no firm date for the work to be completed.

Therefore, in the meantime whilst the position with regard to housing supply is uncertain, consideration has been given to the effect of the tilted balance referred to in Paragraph 11(d) of the NPPF as if the presumption in favour of sustainable development outlined in paragraph 11(d) of the National Planning Policy Framework (NPPF) has been engaged.

Para 11(d) states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Fundamentally this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when

assessed against the policies in the NPPF taken as a whole.

The proposed development would offer a modest contribution to housing supply and delivery and this would weigh in favour of the development. However, paragraphs 126-130 of the NPPF require high quality design and consideration of character. For the reasons outlined within this report the proposed development is unacceptable in regard to its resultant impact on character and poor quality design, impact on highway safety and amenity issues for existing occupiers these are key aspects of sustainable development.

Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11(d) of the NPPF.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed development would, by reason of its excessive height, bulk and mass, visually intrusive roof form and lack of a set back to its front elevation would appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance and openness of this prominent corner plot and surrounding area contrary to Local Plan policies 7 and 26, the London Plan 2021 and the NPPF.

2. Reason for refusal - Parking Deficiency

The proposal by reason of the removal of the rear vehicular access to the donor property would likely result in that property using its front forecourt for vehicular parking which is adjacent to the junction with Fontayne Avenue and would increase road danger and impact on the safe operation of the surrounding highway network contrary to London Plan policy D4 and Local Plan policies 23 and 24.

1 Refusal - No negotiation ENTER DETAILS

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 the Agent by email on the 12/07/2022.

2 Refusal and CIL (enter amount)

The proposed development will create 1 new residential unit with 96sqm of new gross internal floorspace. The proposal is liable for LB Havering CIL and will incur a charge of £12,000 (subject to indexation) based on the calculation of £125.00 per square metre. The proposal is also liable for Mayoral CIL and will incur a charge of £2,400 (subject to indexation) based on the calculation of £25.00 per square metre. Each would be subject to indexation.

Further details with regard to CIL are available from the Council's website.

Authorising Officer: Raphael Adenegan
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13-07-2022
