

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1314.22

WARD : Upminster

Date Received: 11th August 2022

ADDRESS: 23 Hornbeam Avenue
Upminster

PROPOSAL: Two storey side/rear extension involving demolition of existing attached garage, and erection of outbuilding to rear, involving demolition of existing outbuildings with the provision of a raised patio and screen fencing

Revised Plans Recvd 29/09, 07/10 & 02/11/22

DRAWING NO(S): 2026_HA_01
2026_HA_02 revision: D

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 on the drive and in the garages to the front and rear of the property. The ground level slopes from the street towards the rear boundary of the site and from south east to north west in line with street. The surrounding area is characterised by bungalows and two storey semi-detached dwellings.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a proposed two storey side/rear extension and the erection of an outbuilding in rear garden. The existing attached garage and outbuildings within the rear garden will be demolished to make way for the proposal.

Although not mentioned on the application form, it is noted that the patio is being re-designed to the rear of the dwelling house with a screen fence being provided. The description was amended and neighbours were re-notified for a further 21 days.

The submitted plans and application form state that all the windows would be changed from a UPVC windows and door to a black crittall style window and door instead. In addition, it is noted the changes to the windows and doors on the front and rear elevations can be done under permitted development and do not require planning consent.

RELEVANT HISTORY

CONSULTATIONS/REPRESENTATIONS

One representation was received during the consultation process and their comments are summarised below.

- No problems with plans as long as the service road backing onto our houses are not blocked.
- Service/access road is used on a daily basis to get our cars out of the garage.

Concerns regarding the access/service road being blocked during construction is not a material planning consideration but a civil matter.

The case officer contact the attached neighbour at No.21Hornbeam Avenue during the process as the height of the fence had to be increased from 1.7m to 2m high to reduce privacy concerns on this neighbour. The resident at No.21 responded that the proposal to increase the privacy screen fence to 2m (formerly proposed to be 1.7m) makes sense. and that they had no issues increasing the height. No further re-consultation was undertaken due to the increase in height as it the only the attached neighbour who would be most effected.

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

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 process with a 1m set back being provided at first floor level to the two storey side extension. The original drawings showed that the gutter overhung onto the access road which is not within the site. Mindful that Cert A on the application form had been completed the agent was advised to revised the plans so there was no encroachment onto the service/access road. A sit on gutter was provided to the first floor side extension with a mono-pitched roof connecting the proposed ground and first floor side extension.

Neighbours were not re-consulted for a further 21 days due to the patio and 1.7m screen fencing.

Only the resident at No.21 was contacted when the fence was increased from 1.7m to 2m as they would have been the most effected by this change.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed two storey side/rear extension would be visible from the street and rear garden environment.

The proposed first floor side extension would be built up to the boundary with the service/access road. The extension at first floor level would be set back 1m from the front wall of the dwelling to create a break in the roof line and to provide a subservient appearance with a mono-pitched roof connecting the ground first floor side extension.

The proposed 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 proposed two storey side extension would also project beyond the rear elevation of the dwelling. It is considered that the proposed development would relate acceptably to the existing property.

No objections are raised to redesigned patio or the screen fencing from a visual point of view.

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.

The proposed double garage at the bottom of the to the rear garden would provide additional parking as it would be accessed via the service/access road. The existing outbuildings would be removed to make way for the proposal.

It is evident that the proposed double garage would be highly visible when viewed from the rear gardens and rear facing windows of the properties in Hornbeam Avenue and from the properties to the rear within Hacton Lane but also from the access road which is used by the residents to access their garages and the rear of the properties. Also, the large flat roof structure on opposite side of the access is an electrical sub-station. There would also be oblique view from the street scene at the front of property due to the space created by the access road between the application dwelling and the detached neighbour at No.25 Hornbeam Avenue.

Particular care needs to be exercised. In this respect guidance set out in paragraph 9.5 of the Residential Extensions and Alterations SPD states that:-

"The outbuilding should be subordinate in scale to the existing dwelling and to the plot. In assessing proposals, the Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment. As with all extensions, outbuildings should not detract from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling".

Paragraph 9.6 goes on to say

"The design of outbuildings should reflect their intended use. Outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties".

It is noted that there are various style and designs of garage and outbuildings backing onto the service/access road. In particular a large flat roof outbuilding to the rear of No.25 Hornbeam, Avenue.

The double garage would be set in from the boundary with No.21 Hornbeam Avenue by 0.9m and from the access to rear and side by 3.5m and 1.835m respectively.

The height of the double garage would vary adjacent to the garden and to the access road due

to sloping ground level as the site is located on a hill.

The double garage would have an eaves line of between approximately 2.64m and 2.74m adjacent to the garden and access road respectively as measure from the side elevation. Likewise, the overall height would also vary from approximately 4.47m and 4.6m adjacent to the garden and access road respectively.

It is considered that the double garage would not unacceptably impact on the rear garden and is considered to be within the realms of acceptability. No objections are raised from a visual point of view, mindful, of the other neighbouring garages and outbuildings nearby.

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 two storey side/rear 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.21 Hornbeam Avenue as they are located to the south east and this part of the proposal would be located on the opposite side of the dwelling.

The two storey rear projection would have a depth of 2.025m which would be less than the 3m normally permissible for a two storey rear extension.

The 3m deep two storey rear extension complies with Council guidance and it would be set off the common boundary by approximately 3.6m. It is noted the proposed first floor rear extension would not infringe upon a notional line taken from common boundary with No.21 Hornbeam Avenue 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.

The separation distance from the boundary would mitigate the depth and height of the proposed two storey rear extension on the occupiers at No.21 Hornbeam Avenue.

It is noted that the submitted plans show a high level flank window facing No.21 Hornbeam Avenue. There is an annotation of the proposed side elevation stating that it is a "High level slot window with the sill height is above 1.7m from finished floor level". It is considered that the high level window would not unacceptably impact on the amenity of the adjacent neighbours at No.21 Hornbeam Avenue.

In addition, it is noticed that the patio will be re-designed as part of the proposal with a 2m high privacy screen fence being provided adjacent to No.21 Hornbeam Avenue. The height of the patio is approximately 0.89m high and the neighbouring property at No.21 is located on higher ground level. The current fence is not sufficient to prevent inter-looking between this neighbour and the application site. The patio at No.21 projects 4.74m from the rear elevation of their dwelling.

The height of the close boarded fence currently, measured from the patio of No.21 adjacent to the rear elevation is approximately 1.42m with the height from No.23 being approximately 1.58m at the 1st step.

The height of the fence would vary due to the stepped design currently and the variation in ground level within the site and the neighbouring property. It is acknowledged that the fence would increase marginally.

The screen fence was initially proposed at 1.7m but this was increased to 2m during the process. This is a finely balanced matter in respect to the screen fence and its height on the boundary. If it is too high it would be dominant and overbearing on the residents at No.21. It is considered that the height proposed would be within the realms of acceptability.

A condition would be imposed for a 2m high fence shall be provided on the side of the patio adjacent to No.21 Hornbeam Avenue, Upminster, in accordance with drawing number 2026_HA_02 revision D. The fencing shall be permanently retained and maintained thereafter to protect the privacy of the adjacent neighbours.

The separation distance created by the service/access road which is approximately 3m wide, would separate the proposed two storey side/rear extension and the detached neighbour at No.25 Hornbeam Avenue. It is noted that No.25 has benefited from a two storey side extension which would also to the mitigation of the proposed two storey side/rear extension.

Given the separation distance created by the service/access road and due to the limited depth of the two storey rear projection, it is considered that the proposed two storey side/rear extension would not unacceptably impact on the amenity of the adjacent neighbours at No.25 Hornbeam Avenue.

The proposed two storey rear extension would have a Juliette balcony at first floor level. The Juliette balcony would be sufficiently removed from the neighbouring residents not to impact on the amenity. In addition, it is considered that the proposal would not result in any undue overlooking or loss of privacy above existing conditions, particularly as the first floor windows of the application dwelling and the neighbouring properties already overlook the rear garden areas of surrounding residential properties.

The proposed double garage is located at the bottom of the garden and it would replace two existing garages.

The double garage would be set in from the boundary with No.21 Hornbeam Avenue by 0.9m and by 1.835m on the other side adjacent to the service/access road. Due to the drop in ground level from the rear of the dwelling to the rear boundary which is a common feature of the properties along this section of Hornbeam Avenue, the overall height of the double garage would vary from approximately 4.47m and 4.6m. This overall height would be mitigated by the eaves height which would also vary from approximately 2.64m and 2.74m adjacent to the garden and access road respectively as measured from the side elevation.

It is considered that due to its position at the bottom of the garden and that it would be set in from both boundaries and that it is hipped away on either side that it would not unacceptably impact on the amenity of the adjacent neighbours.

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 and also that the double garage shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation, unless specific permission is obtained in writing from the Local Planning Authority.

HIGHWAY/PARKING

The existing garages to the front and rear of the site would be demolished to make way for the proposal.

The application site is within a PTAL area of 0. As per Policy 24 of the Havering Local Plan that for a site that has a PTAL 0 - 1 that has 3 plus bedrooms, the site only needs to provide a minimum parking provision of up to 1.5 spaces per dwelling, which is what the application site would be able to provide.

Two parking spaces would be retained on the front drive with an additional two spaces within the double garage to the rear of the site. 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. SC13 (Screen fencing)

A 2m high fence shall be provided on the side of the patio adjacent to No.21 Hornbeam Avenue, Upminster, in accordance with drawing number 2026_HA_02 revision D. 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. SC33 (Incidental Use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage(s) hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Reason:-

To restrict the use to one compatible with a residential area.

6. SC34C (non-opening & 1.7m above ground level).

The high level flank window inserted on the side elevation for the first floor rear extension shall be non-opening and the sill shall be more than 1.7m above the floor of the room in which the window is installed.

Reason - In the interest of privacy and to protect the amenity of the adjacent neighbours

7. 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.

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 guttering and fascias to encroach onto any land not within the applicant's ownership.

2 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

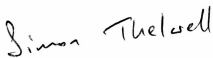
are not involved in such matters.

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>

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 Herbert (Agent) by phone and e-mail. The revisions involved providing a 1m set back at first floor level to the two storey side extension and providing a sit on gutter detail with a mono-pitched roof connecting the proposed ground and first floor side extension. Changes to the height of the screen fencing from 1.7m to 2m. The amendments were subsequently submitted on 29-09-22, 06-10-22 & 02-11-22.

Authorising Officer:	Simon Thelwell		07-11-2022
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