

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1593.22

WARD : Cranham

Date Received: 29th September 2022

ADDRESS: 5 Silver Birch Mews
Upminster

PROPOSAL: Single storey detached outbuilding to rear
Revised Plans Received 15.11.22

DRAWING NO(S): 100-E
101-P
200-P
201-P

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

SITE DESCRIPTION

The application site is within a gated estate of seven properties off Cranham Gardens called Silver Birch Mews.

The application site comprises of a two storey detached dwelling with the rear garden backing onto Cranham Gardens. The property is finished in face brick with a tiled roof. Parking to the front of the property. The site is located on a hill within the street and the ground slopes downhill from the front of the dwelling towards the rear boundary. The surrounding area is characterised by single and two storey dwellings of various styles and designs.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a single storey outbuilding within the rear garden which will be used as a summer house. The summerhouse would measure 6m wide, 4m deep with a flat roof to an overall height of 2.6m.

RELEVANT HISTORY

P1159.22 - Single storey outbuilding to rear for use as summer house
Refuse 09-09-2022

P0380.12 - Conversion of existing garage into habitable room
Withdrawn 10-05-2012

CONSULTATIONS/REPRESENTATIONS

No representations were received from 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

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

Application is not CIL liable.

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.

A revised plan showing the block and site plan was received during the process to show the correct depth of the outbuilding. Neighbours were not re-notified, as this revised plan was sought for clarity and would not have prevented the termination of the application.

This application is a resubmission of a previously refused planning application P1159.22. The key issue in this case therefore is whether the revised proposal overcomes the previously stated concerns. The previous application was refused planning permission for the following reasons.

The proposed development, by reason of its excessive height, scale, bulk and mass would appear as an unacceptably dominant and visually intrusive feature in the street scene and rear garden environment harmful to the appearance of the surrounding area contrary to Policy 26 of the Havering Local Plan and the Residential Extensions and Alterations Supplementary Planning Document.

This application differs from the previously refused schemes in the following key areas:

1. The depth of the outbuilding has been reduced from 5m to 4m.
- 2 .The pitched roof has been removed from the proposal and has been replaced with a flat roof.
3. The overall height of the outbuilding has been reduced from 4m to 2.6m in height.

The effect of these changes will be assessed in the context of the following:

DESIGN/IMPACT ON STREET/GARDEN SCENE

The application site backs onto a brick wall with a small section of grassed amenity area before the footpath of Cranham Gardens. The application site being located on a hill and the proposal would project forward of the building line to the north as the properties at Nos.7, 9 11 Cranham Gardens are set back from the building line.

It is evident that the proposal would be highly visible when viewed from the street when ascending up Cranham Gardens from Moor Lane and also from the gardens of the neighbouring

dwelling and rear facing windows of properties within Silver Birch Mews and the front facing windows of the properties on Cranham Gardens, therefore particular care will need to be exercised. In this respect guidance set out in paragraph 9.5 of the Residential Extensions and Alterations Supplementary Planning Document 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".

The revised plans would be less invasive compared to the previously refused scheme, as the overall height has been reduced from 4m to 2.6m in height, due to the removal of the pitched roof.

In addition, the depth of the extension has also been reduced from 5m to 4m. It is considered that the changes undertaken would bring the proposal within the realms of acceptability.

Site inspection revealed that the only other outbuildings in the near vicinity are of a more domestic nature being much smaller in scale.

This application has been determined on its own individual merits and it is considered that the revised proposal would not unacceptably impact on the street scene and rear garden environment, mindful of the changes undertaken to lessen the potential impact on the surrounding area.

IMPACT ON AMENITY

The proposed outbuilding would be located at the bottom of the garden, away from the dwellings on Silver Birch Mews.

The proposed outbuilding would be sufficiently removed from the neighbouring residents not to impact on their amenity. The proposal would be approximately 15m from the rear of No.6 Silver Birch Mews and approximately 14.5m from the front projection of No.7 Cranham Gardens.

The neighbours to the rear of the proposal on other side of Cranham Gardens would be separated by the street and therefore the proposal would not impact on their amenity due to the separation distance.

The proposed outbuilding would be set in from the boundary with No.6 Silver Birch Mews and it is considered that the separation distance, its low overall height and that the proposal has been re-designed with a flat roof would mitigate the impact on the proposal on this neighbour.

No.7 Cranham Gardens lies to the north of the application site and aligns with application dwelling house, however, due to the design of the site, the rear garden projects forward of the dwelling at No.7 Cranham, Gardens.

As previously mentioned, there is a separation distance of approximately 14.5m and there is a stepped boundary fence due to the application site being located on a hill along the side boundary with No.7 Cranham Gardens. Photos show that the front garden of No.7 Cranham Gardens has been paved in part to allow for parking vehicles.

The revised proposal has no longer been designed with a pitched roof but with a flat roof instead. It is considered that it would be difficult to demonstrate the harm in respect to a loss of light mindful of its new roof design and that no objections were raised on the previous application in respect to impact on neighbouring amenity. In addition, No.7 Cranham Gardens is located on higher ground level due to the properties being located on hill. When combined with the separation distance between the proposal and the neighbouring bedroom, it is considered that it would be difficult to substantiate a refusal on appeal.

Furthermore, it is noted that the windows and door of the proposal will face towards neighbouring dwellings, it is considered that the combination of the fore-mentioned separation distance and stepped close boarded fence would mitigate views to the neighbouring residents.

It is considered that the proposal would not result in a significant loss of privacy or light. 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.

In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

HIGHWAY/PARKING

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

TREES

The application form states that on the application form that the silver birch tree shown on drawing number 101-E will be removed to make way for the proposal. It is noted that there is no preservation orders on the site and therefore this tree can be removed without consent.

KEY ISSUES/CONCLUSIONS

The proposal has been revised sufficiently from the earlier refused scheme to bring the proposal within the realms of acceptability as outlined above. The application is now 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. SC10C Materials as per application form

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Materials Section of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

3. SC33 (Incidental Use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the outbuilding 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.

4. 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.

5. 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:-

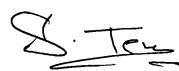
In the interests of the amenity of the occupiers of neighbouring dwelling.

INFORMATIVES

1 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 Sears (Agent) by e-mail. The revisions involved revising the block and site plan to show the correct depth of the outbuilding. The amendments were subsequently submitted on 15-11-22.

Authorising Officer: Suzanne Terry

A handwritten signature in black ink, appearing to read 'S. Terry', with a horizontal line underneath.

24-11-2022