

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0211.23

WARD: Cranham

Date Received: 6th February 2023

ADDRESS: 119 Front Lane
Upminster

PROPOSAL: proposed demolition of existing bungalow and replace with 2 x semi detached 3 bedroom chalets

DRAWING NO(S): 2234-1A
2234-2
2234-3
2234-8

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

CALL-IN

When the application was first received, Councillor John Tyler called in the application in on the grounds that:

1) The current property at 119 Front Lane is relatively close to the existing two storey house at 27 Marlborough Close, which only has a small rear garden. As 119 Front Lane is currently single storey, there are no issues of overlooking (particularly as the garden of 119 Front Lane extends down the side and past the front elevation of 27 Marlborough Close). However, were permission to be granted for this application, the introduction of rear windows to active rooms at first storey level to both new properties, would mean that the garden of 27 Marlborough Close would be directly overlooked, removing any sense of privacy for the occupier.

2) For the same reason as shown in point 1), the rear rooms at both ground and first storey level of 27 Marlborough Close, would be overlooked from close proximity.

3) The erection of a two storey building directly to the south-east and so close to 27 Marlborough Close, would significantly reduce the amount of light/sunlight to that property, particularly at ground floor level, thereby reducing amenity.

SITE DESCRIPTION

The application site features a detached bungalow along Front Lane. It is neither listed, nor within a Conservation Area.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the proposed demolition of the existing bungalow and replacement with 2 x semi-detached 3-bedroom chalets.

RELEVANT HISTORY

* ES/HOR 1450/57'P' - Carriage Crossing (Approved)

* 123/78 - Lounge/Kitchen Extension (Approved)

P2059.22 proposed demolition of existing bungalow and replace with 2 x semi detached 3 bedroom chalets

Withdrawn - Invalid 27-01-2023

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were consulted through direct notification and the representations received can be summarised as follows:

1. Privacy, particularly that of neighbouring ground floor living room and amenity of its rear garden, would be compromised
2. Proposal would have an overbearing impact on neighbouring property
3. The approval of a neighbouring property in close proximity to the application site ceased the planning validity of having a 2-storey structure with 2nd floor rear windows on the application site due to the issues raised in points 1 and 2 above

In addition, the following comments were made by other stakeholders consulted about the application:

* Thames Water - No Comments

* Anglican Water - Do not permit new builds over public sewers.

* London Fire Brigade - No additional hydrants or no further action is required. Happy for works to go ahead on site as planned.

* LB Havering Highways: Concerned about intensification of parking stress and proposed vehicle crossover. Insufficient information has been provided in relation to whether the vehicle crossover would comply with Council guidelines. The inclusion of electrical charging points for off-street parking provisions would have been welcomed. Expected that servicing to the property would continue in the same fashion as existing.

* LBH Waste and Recycling - Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Front Lane on the scheduled collection day.

LB Havering Public Protection: No concerns regarding contaminated land. Recommended conditions relating to construction methodology statement and ultra-low nox boilers if application approved.

LB Havering Street Naming and Numbering: This application will require to be Street Named and Numbered.

RELEVANT POLICIES

Havering Local Plan 2016 - 2031

- Policy 3 Housing supply
- Policy 5 Housing mix
- Policy 7 Residential design and amenity
- Policy 9 Conversions and subdivisions
- Policy 23 Transport Connections
- Policy 24 Parking provision and design
- Policy 26 Urban design
- Policy 27 Landscaping
- Policy 32 Flood management
- Policy 34 Managing pollution
- Policy 35 Waste management

The London Plan 2021

- Policy D4 Delivering good design
- Policy D5 Inclusive 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 H8 Loss of existing housing and estate redevelopment
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T2 Healthy Streets
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.1 Residential parking
- Policy T7 Deliveries, servicing and construction

National Planning Policy Framework (2021)

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land

12. Achieving well-designed places

The Residential Extensions and Alterations Supplementary Planning Document (SPD) (2011)

MAYORAL CIL IMPLICATIONS

Contributions would be required under CIL regulations. The proposals would result in a net increase of 123.50m², which is rounded up to 124m².

This would translate to a Mayoral CIL (MCIL2) contribution of £3,100 (x £25 per sqm).

As of September 1st 2019, Havering adopted its on community infrastructure levy (HCIL) which has a chargeable rate of £125 per sqm in this location. This translates to a contribution of £15,500.

Each contribution would be subject to indexation.

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. Site photographs were provided by the planning agent in support of this application. In determining this planning application, Google Street View, aerial view and satellite images and submitted drawings were used to assess the site's constraints.

PRINCIPLE OF DEVELOPMENT

The proposals would replace a family home with two larger dwellings. Given the existing residential use there are no in principle objections to a proposed larger dwelling within the site. However, the principle of subdividing the plot to allow for two dwellings within the site would result in narrow plot widths with dwellings that would be cramped within each site, something which would be out of character with the surrounding street scene that is characterised by much wider plot widths. The subdivision of the plots is therefore judged as unacceptable in principle.

DENSITY/SITE LAYOUT

The scheme proposes two 3B6P units.

Policy D6 of the London Plan requires that new residential development conforms to minimum internal space standards, with there being set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights. These standards are reflected in the Havering Local Plan where at Policy 7 it requires compliance with the space standards referenced above.

Having applied the standards to the proposals, the new dwellings would meet the required Gross

Internal Area (GIA) for a 2-storey 3B6P unit in terms of bedroom size and widths, storage space and floor-to-ceiling heights. In sharing a front and rear building line with no. 115 Front Lane, the proposed dwellings would have dual aspect with adequate outlook and daylight/sunlight in the opinion of officers.

New dwellings must also demonstrate an acceptable arrangement of private amenity space. Policy-wise, D6 of the London Plan (2021) states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

To that end, the size of each rear garden environment would comply with criteria set out in the London Plan 2021 and are considered to be acceptable for day-to-day family living, suitable for activities associated such as sitting out, drying clothes and recreation..

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policies 7 and 26 of the HLP require fundamentally that residential development be of high quality design.

The Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to set out that good design is a key aspect of sustainable development, in so far as that it creates better places in which to live and work and helps make development acceptable to communities. However, an overarching consideration is the desirability of maintaining an area's prevailing character and setting (including residential gardens), of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. The framework requires that permission is refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The wider street scene of Front Lane is characterised by chalet bungalows with front dormers situated within reasonably wide plots and set well back from the front of the street. The subdivision of the application site to enable the provision of a semi-detached pair of bungalows would result in plot sizes for each dwelling that would be much narrower width-wise than those of neighbouring properties, something which would result in the dwellings appearing as visually cramped within a tightly constrained plot. This would be at odds with the established prevailing local character described above.

From the front of the street, it is considered the dwellings would have an awkward appearance due to their lack of front doors. With most properties along Front Lane benefitting from front doors, this would not reflect the pattern of development in the local area. It also appears that one of the semi-detached dwellings would be half-staggered forward in comparison to the other and would benefit from a pitched roof with a flat top. This is considered to make the appearance of the pair asymmetrical and would result in them appearing as lopsided when viewed from the street scene.

Turning to the rear of the dwellings, there are concerns about their roof design. The rear dormers of the dwellings in particular would be very large in scale and width, dominating the roof slope and would result in a roof form that would appear incongruous within the rear garden setting.

For the reasons described above, therefore, the proposals result in a visually intrusive form of development which is detrimental to the appearance of the street and rear garden scene, contrary to policies 7 and 26.

IMPACT ON AMENITY

Consideration has been given to the impact of the proposed dwellings on the neighbouring properties.

Although the scheme is for new dwellings and whilst principles of the SPD is primarily relevant to householder extensions, it is considered reasonable that the principles set out in the document can be used to measure the impact of the development on the neighbours to either side of the proposed dwellings.

The proposed dwellings would extend beyond no. 115 Front Lane at ground floor level, however the projection beyond this neighbour (less than 2m) would align with guidance contained within the SPD, which states that ground floor rear extensions should project no more than 4m beyond the rear of detached dwellings.

The proposed dwellings would introduce new views into the rear garden scene of no. 115 due the rear dormers proposed. Due to the proximity of the rear dormers proposed to this neighbour's rear garden environment, there are concerns that the proposed dwellings would result in a significant increase in overlooking and loss of privacy to this neighbour.

In terms of the impact of the proposed dwellings on no. 121 Front Lane, it is noted that they would have a staggered relationship with this neighbouring property in which they would be situated much further back into the plot compared to this neighbour to the detriment of the enjoyment of their rear garden.

The existing bungalow of the application site also currently has a staggered relationship to this neighbour, with both set in from the common boundary and no. 119 projecting over 9m beyond the rear of no. 121.

The proposals would introduce a substantial increase to the bulk, scale and mass of properties within the application site as a result of the proposed dwellings, due to their half-hipped gabled roof form and front and rear dormers. For example, the maximum height of the existing bungalow at the site is over 5m whereas the overall height of the proposed dwellings would be over 7m. Although the proposed dwellings would be situated no closer to the common boundary than the existing subject property is, staff consider that the substantial increase in the bulk, scale, mass and height of the proposed dwellings as a result of replacing roofs that slope away from the shared boundary with vertical elevations. In addition, the proposals will project over 8m beyond this neighbour would result in it presenting itself as a wall of development that would be dominant, overbearing and have an increased sense of enclosure to the detriment of the amenity of the neighbouring occupants of no. 121 Front Lane, particularly when viewed from their rear garden environment.

There would be new views from the dormer windows of the proposed dwellings into the rear garden environment of no. 121, but they are not considered to be unusual or especially harmful given the

acute angle there would be into the bottom end of the garden.

It is noted the dwellings would both benefit from first-floor flank windows that would serve a staircase. As both windows would be obscure-glazed as indicated by the submitted drawings, it is not considered they would be harmful to neighbouring amenity in terms of loss of privacy.

As for the impacts of the scheme on no. 27 Marlborough Close, the proposed dwellings would introduce new views into the rear garden scene of this neighbour at close proximity from the rear dormer of around 6m. Due to the bulk, scale and mass of the dwellings at the rear as well as their proximity to this neighbouring site, the proposals would have an unacceptable overbearing and dominate impact on the outlook of this neighbouring property, giving rise to a significant increased sense of enclosure, loss of privacy and overlooking, all of which would be harmful to their amenity.

Owing to the separation distances between the proposed dwellings and all other neighbouring properties, it is not considered that they would present any undue impact on the residential amenity of these neighbouring houses.

HIGHWAY/PARKING

The application site has a PTAL of 1b (very poor). Local Plan policy 24 sets a minimum of 1.5 spaces per 3 bed unit and this would be applicable given the PTAL of the site.

The submitted drawings illustrate two car parking spaces to the front of each dwelling. The parking standards set out in Policy 24 of the Local Plan would therefore be met and, as such, it is not considered the proposals would result in an intensification of parking stress within Front Lane.

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 Housing Trajectory (initially published in 2019 and updated in 2023 through the Havering Authority Monitoring Report), 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 full update to the trajectory will be prepared as part of the ongoing work on the Havering Local Plan

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, consideration of character and a high standard of amenity for existing and future users. For the reasons outlined within this report, the proposed development is unacceptable in regard to the principle of sub-dividing the plot to create two dwellings, its resultant design and appearance from within the street and rear garden scenes and impact on the amenity of neighbouring properties - 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.

Accordingly, the proposal is considered to be contrary to the above-mentioned policies.

A REFUSAL is therefore recommended.

RECOMMENDATION:

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

1 Refusal non standard

The principle of sub-dividing the application site in order to create two dwellings is considered unacceptable because it would result in narrow plot widths and a cramped form of development that would appear as a visually intrusive feature within the streetscene, harmful to the established local pattern of development and visual amenity of Front Lane, contrary to Local Plan Policies 7 and 26.

2 Refusal non standard

The proposed dwellings would, by reason of their roof design, appear as a visually intrusive feature within the street and rear garden scene and would therefore be harmful to the

character and appearance of the surrounding area, contrary to Local Plan Policies 7 and 26.

3 Refusal non standard

The proposed dwellings would, by reason of their bulk, scale, mass and projection beyond the neighbouring property no. 121 Front Lane, appear as an unacceptably dominant and an intrusive unneighbourly development when viewed from this neighbouring property's rear garden environment and would therefore have an adverse impact on their amenity, contrary to Local Plan Policy 7.

4 Refusal non standard

The proposed dwellings would, by reason of their proximity to the boundaries of the neighbouring property no. 27 Marlborough Close, would give rise to an intrusive and unneighbourly form of development that would result in harm to the amenity of these neighbouring occupiers by way of overbearing impact, sense of enclosure, loss privacy and overlooking, contrary to the provisions of Local Plan Policy 7.

INFORMATIVES

1 Refusal and CIL

In the event that this application is allowed through the appeals process, the proposals would be liable for the following CIL contributions:

Mayoral CIL (MCIL2) contribution of £3,100 (x £25 per sqm).

Havering CIL (HCIL) contribution of £15,500 (x £125 per sqm)

Each contribution would be subject to indexation.

2 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 was given to the agent via email on 29/06/2023.

Authorising Officer:



Neil Goate

7th July 2023