

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0699.23

WARD: Emerson Park **Date Received:** 5th May 2023

ADDRESS: 2 Beverley Gardens
Hornchurch

PROPOSAL: Single storey front, side, and rear extensions, and conversion of roof space to habitable use with roof enlargement including front., side and rear dormer windows with juliette balconies and roof lights.

DRAWING NO(S): PL01
PL02
PL03
PL04
PL05
PL06
PL07
PL08
PL09
PL10
PL11
PL12
PL13

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

SITE DESCRIPTION

The subject premises comprises of a modest detached bungalow which is finished in painted render and face brick. The application site is located within Sector 5 of the Emerson Park Policy Area (EPPA) and is located on the junction with Curtis Road and Beverley Gardens.

Parking available on the driveway with crossovers on either side adjacent to No. 4 Beverley Gardens and No.40 Curtis Road. The surrounding area is characterised by single storey dwellings of various styles and designs but it noted that Curtis Road has two storey dwellings within the street.

DESCRIPTION OF PROPOSAL

Planning permission is sought for single storey front, side, and rear extensions, and conversion of roof space to habitable use with roof enlargement including front., side and rear dormer windows with juliette balconies and roof lights.

RELEVANT HISTORY

L/HOR 259/64 - Single storey addition - Approved.

2312/78 - New garage (replacement) - Approved.

L/HAV 1075/84 - Kitchen extension - Approved.

CONSULTATIONS/REPRESENTATIONS

Seven representations were received in response to the neighbour notification, multiple ones from the same household. The comments will be summarised below:

- Loss of light, privacy and views.
- Overall scale, bulk and appearance of the proposal.
- Various scales on drawings making it difficult to compare the proposal.
- No screening to minimise impact of proposal.
- Oppressive and would effect outlook and provide sense of enclosure due to size of plot.
- Incorrect orientation indicated on drawings. Not all drawing show neighbouring land.
- Huge expansion in property size and small proximity to boundary and neighbours.
- Encroachment of proposal over neighbouring boundary.

The above will be taken into consideration, however, it should be noted that a loss of view is not a material planning consideration. In addition, there is no requirement for all the drawings to be of a similar scale. The drawings provided are in line with Council's validation checklist for the submission of a planning application. The comments are noted regarding the orientation but this would not prevent the determination of the planning application.

Comments were received from the Local Ward Councillor and a Call in to committee was received, should the application be recommended for approval.

The application was called in for the following reason that the proposal would be overbearing in mind of the size of the plot, its proximity to the boundary and direct view over the neighbouring garden. There would be an issue with neighbouring privacy, over bearing size of the structure and a severe loss of outlook for the neighbours on either side. Indeed the neighbours to the right of the proposal would have a marked loss of natural light to a bedroom and a bathroom which have windows in the flank wall adjoining and the proposed dormer would have a direct oversight of the neighbours garden to the left of the proposal.

RELEVANT POLICIES

- For ease of reference, the Residential Extensions and Alterations SPD will be referred as "SPD" and the Emerson Park Policy Area will be referred to as "EPPA 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

LDF

SPD05 - Emerson Park Policy Area SPD

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The Havering and London Mayoral CIL payment is applicable as the proposal is for a extended dwelling and creates more than 100 square metres of additional floorspace. The gross internal floor area of the existing dwelling is 128.54 square metres and this can be deducted from the gross internal floor area of the extended dwelling. The dwelling would have a total of area of 259.36 square metres once extended. The difference equates to 130.82 square metres which is rounded up to 131 square metres.

The Mayoral CIL has a charging rate of £25 per square metre of net additional floor space of the proposed development and therefore the liability equals $131 \times £25 \text{ per sq.m} = £3,275$.

The Havering CIL has been implemented from the 1st September 2019, which has a charging rate of £125 per square metre of net additional floor space of the proposed development in Zone A.

The proposal would be liable for Havering Community Infrastructure Levy contributions of CIL of £16,375 ($£125 \times 131$) to mitigate the impact of the development.

The total CIL liability to be paid is £19,650.

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.

It should be noted that no pre-application advice was sought prior to the submission of the application and it is considered that the changes required to try and bring the proposal within the realms of acceptability would not be minor.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Emerson Park is one of the most mature and pleasant residential district in the Borough. It has a distinctive character of varied and well maintained single family detached dwellings in spacious and well landscaped grounds.

The EPPA SPD outlines that "Sector 5 contains a mixture of medium and large sized detached family houses set in spacious well landscaped grounds typical of Sector 6 and the smaller often semi-detached properties, set in smaller grounds of the other Sectors.

Accordingly, in order to maintain this mix any application for further development should reflect the particular character of the street scene in the immediate vicinity of the site. Semi-detached dwellings will be permitted where appropriate.

No new building or extension to an existing building will be permitted unless its massing and architectural character, and the resultant space between adjacent buildings, are compatible with the character of the local street scene; thereby maintaining the varied character of the Emerson Park area".

The application dwelling is currently a modest bungalow with a detached garage local on the junction with Curtis Road and Beverley Gardens.

The existing roof would be removed with a new crown roof being provided over the existing and extended dwelling with a hip roof being provide adjacent to No.4 Beverley Gardens. No increase in overall height is proposed but significant additional bulk would be added by the crowned roof. No objections are raised in principle to single storey front, side and rear extensions being added.

However, due to the proposed roof alteration with its crown roof, front, side and rear dormer extension, it is considered that this would provide a top heavy appearance when viewed from the street and rear garden environment. These extensions are being provided to create accommodation within the new first floor as loft accommodation.

Three front dormers are proposed, contained within the crowned roof facing the street. It is considered that the number of front dormers would provide a cramped appearance and would add to the bulk when viewed from the street scene.

Furthermore, the SPD outlines that "dormer windows in a hipped roof end will not normally be acceptable due to overlooking and design considerations, particularly if it is also proposed to construct dormers on front or rear elevations" which is the case in this instance.

The application dwelling lies at an oblique angle within the triangular plot and projects forward of No.40 Curtis Road.

The scale and bulk of the roof enlargement would be clearly visible when ascending up Curtis Road from south west to north east, and when entering Curtis Road from Roseacre Close but also from the neighbouring properties opposite the site within Curtis Road and Beverley Gardens.

It is considered the cumulative impact of the scale, bulk, mass and top heavy appearance of the crowned roof with the front and side dormer windows would have a detrimental impact on the visual amenity of the street scene.

The crowned roof would incorporate a large rear dormer window with two Juliette balconies which would be visible from the rear garden environment.

The large rear dormer would be an extension of the crowned and not a more traditional dormer built form, it would be only marginally set in from all edges of the roof following the form of the crown roof and not be set in well from the edges of the roof and thus forms a dominant and incongruous feature within the roof space detrimental to the visual amenity of the rear garden environment.

The impact of the development would be further exacerbated by the crowned roof design in the back drop of the rear dormer, which would add significant bulk and mass creating a top heavy appearance.

This application has been determined on its own individual merits and it is considered that the proposed roof alteration including the crowned roof and dormer windows, by reason of its excessive scale, bulk, mass and top heavy appearance 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, D4 of the London Plan, Emerson Park Policy Area and the Residential Extensions and Alterations Supplementary Planning Documents.

IMPACT ON AMENITY

Consideration has been given to the impact of the proposal on the side properties, primarily in respect of privacy and overshadowing to No. 4 Beverley Gardens and No.40 Curtis Road.

It is considered the proposed front dormers will not have an unacceptable impact on neighbouring properties in terms of privacy or overlooking. The window would face the street, which is a public area, as such it is not envisaged that there would be any loss of privacy from this development.

No.40 Curtis Road lies to the north east of the application dwelling due to the properties being located on a bend within the road. The existing side extension adjacent to No.40 would be demolished with a new side extension being proposed attached to dwelling and being set further off the boundary with the No.40 Curtis Road due to slight reduction in width.

It is noted the flank windows facing the application site serve a bedroom to the middle with a bathroom window located further to the rear.

Less weight would be applied to the impact on the bathroom which as it is considered to serve a non-habitable area. The centre of the bedroom window would be set off the boundary by approximately 1.81m with the sill level being 0.835m from the ground level.

It has not been clearly demonstrated that the proposed roof alteration would not infringe a 45 degree notional line taken from bedroom window sill of No.40 Curtis Road due to roof extension including the side dormer window. From the information, at hand it seems that the proposal would

not infringe but due to the proposal being brought closer to the boundary with No.40 Curtis Road in combination with the scale and bulk of the proposed crowned roof and the side and rear dormer windows, it is considered that proposal would be oppressive when viewed from the neighbouring bedroom window due to its top heavy nature which would create a wall of development.

No.40 Curtis Road projects further back into the plot and its considered development would not unacceptably reduce the amount of light to the rear garden environment of this neighbour.

No cross section has been provided showing the two rooflights adjacent to No.40 Curtis Road, it seems that the open-able part of the roof light would be below 1.7m from the finished floor level. An annotation on drawings state that any windows less than 1.7m will be obscured glazed and fixed shut.

A side dormer window has been added to allow for the stairwell in the proposed loft accommodation. Although, both the rooflights and the window within the side dormer could be obscured glazed and fixed shut, this would still provide a sense of perceived over-looking from these windows due to close proximity of them to the neighbouring bedroom window and are a matter of concern.

In addition, the flank window to the downstairs wc could be condition to be obscured glazed.

No.4 Beverley Gardens lies to west of the application site and has benefited from various extensions to their dwelling and an outbuilding at the bottom of their garden.

The application dwelling is located within a triangular plot with the pinch point at the bottom of the garden. The garden within the application site is comparatively small compared to the neighbouring gardens and not as deep.

The existing garage adjacent to No.4 would be demolished with a new side extension being proposed attached to dwelling and set of the boundary with the No.4 Beverley Gardens.

It is considered that the additional scale and bulk added from the roof enlargement with its crowned roof and rear dormer window would have detrimental impact on the neighbouring dwelling at No.4 Beverley Gardens due to its close proximity to the boundary.

Council records from P1052.14 for No.4 Beverley Gardens show that the flank windows facing the application from front to rear serve an extended bathroom and bedroom, glazed door to utility room and a window to the kitchen which is deemed to be a secondary light source as additional light is provided from the rear elevation.

The extension to the bathroom and bedroom was 1.6m wide which brought the neighbouring dwelling closer to the boundary of the site. This side extension would be set in 1.17m from the boundary. The application dwelling lies at an oblique angle with No.4 Beverley Gardens and will be the case once extended.

As with No.40 Curtis Road, although, the proposal may not infringe upon a 45 degree line from window sill of the extended dwelling, the scale and bulk of the proposed hipped roof in close proximity to the boundary would be a concern and could be considered to be oppressive when viewed from the neighbouring bedroom window/ although, it is noted that this neighbour at No.4

Beverley Gardens has extended closer to the boundary.

The case officer visited the neighbouring dwellings on either side to assess the proposal and to view the application site.

The application dwelling and site lies at an oblique angle with No.4 Beverley Gardens with roof lights being added top the side and on the rear roof slope over the side extension with this neighbour.

It is considered that the height and close proximity to the boundary would unacceptably overbear and dominate the outlook and amenity of the adjacent neighbours.

It is considered that the roof enlargement including the dormer windows will provide a "wall of development" which will give rise to an uncomfortable overbearing effect and sense of enclosure harmful to their amenity.

As a result, it is considered that the proposed development by reason of its excessive scale, bulk and position close to the boundary of the site would appear dominant as well as being an intrusive and un-neighbourly development, which would have an adverse effect on the amenity of adjacent neighbours including a loss of outlook contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policies 7 and 26 of the Local Plan.

Furthermore, it is considered that the juliette balconies would add further potential for overlooking into the neighbouring rear gardens, mindful of the limited depth of the application site within the rear garden and its close proximity to the boundary.

It is noted that other neighbouring properties nearby do have loft conversions including No.4 and 6 Beverley Gardens and No.36 Curtis Road. No.36 Curtis Road was constructed under permitted development as part of a Certificate of Lawfulness application D0075.16. The Council are unable to consider design, a loss of light or privacy should the proposal comply with permitted development guidelines.

However, due to the application's dwelling unique relationship within the street and located at an oblique angle with the neighbouring properties, the proposed rear dormer window and juliette balconies would have viewed of the most private part of the neighbouring gardens.

Also, mindful of the previous concerns in relation the perceived over-looking adjacent to No.40 Curtis Road, it is considered that the proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy 7 of the Havering Local Plan and Havering's Residential Extensions and Alterations Supplementary Planning Document.

The current application has been determined on its individual merit and taken the above into consideration, it is considered that the proposal would not unacceptable impact on the amenity of the adjacent neighbours. The proposal is deemed unneighbourly and therefore fails to comply with guidance set out in the Residential Extensions and Alterations SPD

HIGHWAY/PARKING

The application site is within a PTAL area of 1a. Policy 24 of the Havering Local London Plan for a site within PTAL 0-1 that has 3 plus bedrooms. The submitted plans denote 6 no. bedrooms being proposed. The site needs to provide a minimum parking provision of up to 1.5 spaces per dwelling.

The submitted indicate that a minimum of 2 parking space can be provided. No highways or parking issues would arise as a result of the proposal.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be contrary to the above-mentioned policies and guidance and a refusal is recommended.

RECOMMENDATION:

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

1 Reason for refusal - Streetscene

The proposed roof alteration including the crowned roof and dormer windows, by reason of its excessive scale, bulk, mass and top heavy appearance 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, D4 of the London Plan, Emerson Park Policy Area and the Residential Extensions and Alterations Supplementary Planning Documents.

2 Reason for refusal - Loss of Privacy/Overlooking

The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy 7 of the Havering Local Plan and Havering's Residential Extensions and Alterations Supplementary Planning Document.

3 Reason for refusal - Residential Extensions

The proposed development by reason of its excessive scale, bulk and position close to the boundary of the site would appear dominant as well as being an intrusive and un-neighbourly development, which would have an adverse effect on the amenity of adjacent neighbours including a loss of outlook contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policies 7 and 26 of the Local Plan.

INFORMATIVES

1 CIL informative for refused proposal - Residential For Residential Development Only

Please be advised that approval of this application from 1st September 2019 (either by London Borough of Havering, or subsequently by PINS if allowed on appeal following a refusal by London Borough of Havering) will attract a liability payment of £19,650 plus indexation in Community Infrastructure Levy (CIL). This charge has been levied under s.206 of the Planning Act 2008 and includes both the Mayor of London's CIL and Havering Council's CIL.

London Borough of Havering, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL, in addition to Havering's CIL, on commencement of the development.

Your proposal is subject to a CIL Liability Notice indicating a levy of £19,650 plus indexation for the application, based on the Mayoral CIL levy rate for Havering of £25/sq.m plus Havering's charging rate for residential of £125/sq.m (Zone A) and the floorspace of 131 square metres.

You are advised to visit the planning portal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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 and the reason(s) for it was given to Mr Durrani (Agent) by e-mail on 13-07-23.

Authorising Officer:



Neil Goate

13th July 2023