

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1537.23

WARD: Harold Wood **Date Received:** 16th October 2023

ADDRESS: Montrose, Warley Road
Upminster

PROPOSAL: Variation of Condition No. 2 of Planning Permission ref: P0146.23 dated 29/03/2023 to permit the addition of 4 no. dormers (2no front, 2no rear) (Partial demolition of an existing equestrian stable yard and the erection of two storey three bedroom detached dwelling with associated parking and amenity space)

DRAWING NO(S): 01 Rev B
02 Rev B
01 Rev D
02 Rev D
03 Rev D
04 Rev D
05 Rev D
06 Rev D
07 Rev D
08 Rev D
09 Rev D

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 piece of land with a number of single storey buildings in association with a longstanding equestrian use. To the east of the site is an L shaped building which is situated at the south of The Cedars Warley Road and west of Tomkyns Manor on Tomkyns Lane. This building was subject to an application for an established use certificate under ref: E0004.21 which established its use for residential purposes. Permission was then granted in 2022 under ref: P0912.22 for a detached dwelling and associated amenity space.

The site is located within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

Consent is sought for the demolition of a several existing structures in connection with an equestrian stable yard and the erection of a two storey three bedroom detached dwelling with associated parking and amenity space. Approval was granted under ref P0912.22 for this development previously and a subsequent application was approved under ref: P0146.23 which shifted the building deeper into the site to allow for parking to the front. This also resulted in an altered red-line plan.

The current proposals replicate broadly that considered under ref: P0146.23 however have sought to incorporate dormers in the roof slope front and rear (four no. total) as opposed to roof-lights as had been shown previously.

Whilst a S73 to vary condition 2, it is noted that this necessitates changes to Condition 3 (Landscaping, where a plan no. was given) and Condition 14 (AMS submission prior to commencement) as those details were previously considered and approved under ref: Q0086.23. It is observed also that the red-line plan for the site (curtilage has increased also) however not significantly so (approx 265sqm to 285sqm).

OFFICER COMMENTS - The applicant sought to alter the submitted scheme and provided drawings 07-11-2023 which proposed dormers front and rear (the scheme had originally only had one set of dormers). Consultation letters were reissued for a further period of 21 days and an extension of time was agreed in writing with the agent.

RELEVANT HISTORY

P0146.23	Partial demolition of an existing equestrian stable yard and the erection of two storey three bedroom detached dwelling with associated parking and amenity space
	Apprv with cons 29-03-2023
P0912.22	Partial demolition of an existing equestrian stable yard and the erection of two storey three bedroom detached dwelling with associated parking and amenity space
	Apprv with cons 26-10-2022

CONSULTATIONS/REPRESENTATIONS

PUBLIC CONSULTATION

Letters were sent to surrounding neighbouring occupiers, a site notice was displayed adjacent to the site and the application was also advertised in the local press. No comments were received.

In addition to this the following comments were received from other stakeholders:

- Environmental Health - No objection subject to condition.
- Highway Authority - No comments
- Waste/Refuse - No objection.
- Street name/numbering - No objection
- Anglian Water - No objection

Thames Water - No objection

LFB - No objection subject to provision of one private hydrant.

OFFICER RESPONSE: It is noted that the LFB did not previously request this on earlier decision made. Nevertheless it is considered appropriate to impose an informative reminding the applicant of this and the need to liaise with the LFB.

With regards to EH comments, requiring NOx boiler provision these comments were not registered previously until after the earlier decision had been made. Nevertheless it is not unreasonable to impose it on any new permission being issued for the purposes of compliance. Turning then to the additional comments regarding a condition requiring consideration of the impacts of noise from Warley Road. This is worded as pre-commencement and in the opinion of officers is onerous, particularly given the degree of separation from Warley Road and presence of other dwellings in closer proximity to this road, which is not considered to be heavily trafficked in any case. Officers do not consider it appropriate to impose this condition, or the suggested informative.

RELEVANT POLICIES

Havering Local Plan 2016-2031 Policies 7, 23, 24, 26 and 34

London Plan 2021, in particular Policies H1, D1, D4, D6, G2, T6.

NPPF - Chapter 13 - Paras 154/155 in particular.

MAYORAL CIL IMPLICATIONS

Contributions would be required under CIL regulations. The proposals would result in a new dwelling with approx 220m² internal space. Having regard to the combined floor area of buildings to be demolished it appears as though the dwelling would not result in any net increase.

STAFF COMMENTS

It is noted as before that reference is made to a lounge/4th bedroom. It is not considered that the continued inclusion of this has a bearing on the acceptability of a S73 in principle as the description of development would not be changed.

PRINCIPLE OF DEVELOPMENT

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The London Plan notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality accommodation. The provision of additional accommodation is consistent with the NPPF and the objectives of the Havering Local Plan 2016-2031 which at Policy 3 is supportive of housing provision in sustainable locations. In addition the London Plan 2021 notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality at Policy H1 whilst also acknowledging that development should optimise housing output subject to local

context and character at Policy D1.

The main constraint is the siting of the proposals within the Metropolitan Green Belt which will be explored below. The principle of development has previously been established through the consented scheme indicated and it remains only to consider the departures from the approved scheme in the context of the Green Belt and other policy objectives.

GREEN BELT IMPLICATIONS

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 154 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. A number of exceptions are given at Paragraphs 154/155.

The principle of development and Green Belt considerations were established previously through earlier decision making. As outlined in preceding sections the formation of a dwelling of the scale broadly comparable to that under consideration has been considered acceptable.

Officers considered Paras 149(e) and 149(g) of the NPPF previously which have since been altered to Paras 154(e) and 154(g) respectively. The assessment remains consistent however as the objective of those paragraphs of the NPPF remain as they had previously in terms of the substance.

Through the lawful development certificate under ref: E0004.21 this established the residential use of the L-Shaped bungalow to the east the proposed dwelling effectively positioning the proposed dwelling between two existing dwellings. To the south there was observed to be a number of existing buildings and structures. Officers considered that the proposals would represent an infill plot however did not regard the site as being within a village for the purposes of assessment therefore ruling out Para 154(e). The immediate locality whilst populated by dwellings was recognised to be somewhat removed and an isolated cluster.

The main consideration then was the now Para 154(g) which allowed for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development. The Framework defines previously developed land as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'.

As above, the site would be an infill plot between two existing dwellings and comprises of a number of existing structures and associated circulation space/land and this is now established through earlier decision making which remains capable of being implemented. To the south and north the site borders other sites and as such would be to some extent surrounded by development, albeit of

varying scale and use. Officers regard the site to meet with the relevant description given by the Framework as PDL.

The exception requires that the proposed development not have a greater impact on the openness of the Green Belt than the existing development. The applicant provided a drawing demonstrating the form of the proposed versus the existing buildings which are to be demolished and this follows in the current submission through drawing no. 08 Rev D. Whilst the proposed building would be larger than those it replaces (C and D) both in terms of overall height and footprint there would continue to be an overall decrease in the amount and extent of built form on the site. This is evidenced through volume calculations provided by the applicant and a decrease in the overall site coverage through the removal of other structures on the site to provide a cumulative figure. The drawing provided even as revised with dormer windows does is not far removed from this.

A key consideration now is the fall-back position of the earlier approvals which were assessed as above. The key consideration here is whether the scheme as revised, ie. the provision of dormer windows departs from this assessment. To that end officers, as a matter of judgement regard the visual impression and associated impacts would be no greater than before. The form and position of the dwelling remains one carefully considered by the applicant and it would have an appearance in keeping with the semi-rural environment. It is not considered that it would unduly detract from the open character of the site. The dormer windows themselves are sensitively designed and proportionate to the main dwelling in terms of their size and design style. Officers recognise that the dwelling would be read alongside the adjacent dwellings and in this setting would not impede any sense of openness. There would also be other benefits to the proposals through a detailed landscaping scheme to offer benefits throughout the site to be secured.

Officers consider that the proposals would comply with the objectives of the NPPF and would align with the requirements of Paragraph 154(g). Through compliance there is no requirement for the applicant to demonstrate very special circumstances (NPPF, paragraph 152). The proposed development is not regarded as unacceptable in principle and would align with the objectives of the NPPF including the purposes of including land within the Green Belt and Policy G2 of the London Plan 2021.

DENSITY/SITE LAYOUT

Policy D6 (Housing Quality and Standards) of the London Plan advises that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. To that end the policy requires that new residential development conform to minimum internal space standards. There are 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. The minimum gross internal floor area requirements and room sizes takes into account commonly required furniture and the spaces needed for different activities and moving around.

New dwellings must also demonstrate an acceptable arrangement of private amenity space. The London Plan (2021) offers guidance on this matter in the sense that minimum standards are present in Policy D6. These standards are reflected in the Havering Local Plan 2016.2031 at Policy 7 which requires compliance with the space standards referenced above.

The alterations shown would not present any grounds to depart from previous decision making. There would be compliance with the above and the amenity space would not be unacceptable. The dwelling, aside from increased GIA is otherwise entirely in accordance with the approved scheme in terms of outlook/internal spacing. No objections are therefore raised.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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 form of the dwelling has been considered previously as has its design. The provision of dormers is not regarded as objectionable, they would appear to be sensitively designed and of proportions in keeping with the form of the main building. Subject to a condition requiring sample materials, the dwelling would be of a high standard of design and would reflect the semi-rural character of the area. Whilst the building would have to some extent a more overtly residential appearance than existing working structures its position between two established dwellings and within an environment that is bordered by development on virtually all sides it is not considered to harm character in the opinion of officers.

An additional consideration is that The National Planning Policy Framework promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. Accordingly, officers do not consider that the proposals would align fully with the objectives of the Havering Local Plan 2016-2031, the NPPF and the London Plan 2021.

IMPACT ON AMENITY

Policy 7 of the Havering Local Plan 2016-2031 (HLP) states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy, noise, vibration and disturbance to existing and future residents. This policy is to be read in conjunction with Policy 26 however the objectives are reflected in Policy 34 also which states that development will not be permitted where it would unduly impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.

The provision of dormer windows would introduce new views at a high level, but they are not regarded as being unneighbourly at the distances involved. The increased massing of the dwelling through formation of dormer windows would not introduce any further considerations over and above that of earlier decision making.

HIGHWAY/PARKING

Parking provision and matters of highway consideration are represented in Policies 23 and 24 of the Havering Local Plan 2016-2031. The PTAL rating for the site is 0 which is the lowest rating given and suggestive of high dependence on private vehicles and engages the Havering Local Plan 2016-2031 standards.

Public Transport Accessibility Levels (PTALs) are used by TFL to produce a consistent London wide public transport access mapping facility to help boroughs with locational planning and assessment of appropriate parking provision by measuring broad public transport accessibility levels. There is evidence that car use reduces as access to public transport (as measured by PTALs) increases. Given the need to avoid over-provision, car parking should reduce as public transport accessibility increases. London Plan Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.

These matters were considered previously and through the alterations proposed there would be no material change in parking provision/demand. In light of the PTAL rating for the site (0), officers do not consider that the arrangement shown is unacceptable. There would be space for at least two parking spaces. No objections are raised on highways grounds, this view is reinforced by the absence of an objection by the Highway Authority.

OTHER ISSUES

Paragraph 56 of the National Planning Policy Framework (NPPF/the Framework) requires that decision makers keep conditions to a minimum and only impose them where they are "necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects". At Paragraph 54 of the Framework it states that "planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so".

In this instance, in light of the nature of the development it is considered that there is clear justification to withdraw permitted development rights for further extensions (including roof), laying of hardstanding and provision of outbuildings within the curtilage of the subject dwelling in light of the Green Belt siting. Such a condition would allow the Local Planning Authority to retain control over future development and any incremental

The purpose for withdrawing PD for roof extensions was not to preclude against this being achieved entirely, but only to highlight the disparity between what could be achievable through the relevant Class of PD, as opposed to what would be appropriate in design terms. To that end, the dormers proposed are sympathetic to the building and proportionate to its scale in the opinion of officers. It remains appropriate to maintain a condition withdrawing PD rights as above so as not to enable further extensions without consideration. Given the incremental changes that have occurred since the original consent was granted and form of the building as a result it is unlikely that further extension would be encouraged in any case. Implementation of permitted development rights would hold the potential to substantially alter the visual appearance of the building and the character of the

site which might undermine the benefits outlined within preceding sections of this report.

It would not be outside of the gift of the applicant to apply to the Local Planning Authority for further extensions etc. through the submission of a planning application, nor would there be any automatic preclusion against the acceptability of any further extensions to the property, laying of hard-standing or other development achievable under the relevant permitted development rights however the exact design/arrangement would require further consideration within the context of earlier decision making. Officers consider that the removal of PD rights is necessary to enable any future development to be controlled on the site and that it would be precise and reasonable in all other respects.

A condition will be imposed restricting the size of the curtilage associated with the dwelling consistent with drawing no. 03 Rev D also.

The above are consistent with the approval issued and which remains capable of being implemented.

TREES

At Paragraph 131 of the NPPF it is recognised that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. The Framework requires planning policies and decisions to ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. These objectives are reflected in Havering Local Plan Policies 27 and 30.

The applicant provided details under ref: Q0086.23 through an AMS and TPP. These measures were considered at that time and the condition was discharged in part requiring that the works were carried out strictly in accordance with those approved measures/methodology and that tree protection as set out was maintained throughout the build process for the lifetime of the works. Given that there is no suggestion that this has changed, officers will adjust the wording of Condition 14 to require compliance.

KEY ISSUES/CONCLUSIONS

Having regard to the above and in doing so all relevant planning policy and material considerations APPROVAL is recommended.

RECOMMENDATION:

It is recommended that **planning permission be GRANTED** subject to the following condition(s)

1 Time

The development to which this permission relates must be commenced not later than 29 March 2026.

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 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). The curtilage of the dwelling shall not exceed the areas shown on drawing 09 and demarcated in red.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3 Materials

No above ground works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the buildings are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area..

4 SC11 (Landscaping) (Pre Commencement Condition)

No above ground works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development achieves a satisfactory level of landscape quality.

5 Refuse and recycling

Notwithstanding the details shown on submitted drawings no building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally.

6 Cycle Storage

Notwithstanding the details shown on submitted drawings no building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

7 Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, or laying of additional areas of hard-standing (other than those agreed through the landscaping condition imposed) without the express permission in writing of the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development.

8 Non Standard Condition 1

All hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.

Reason: In order to ensure no water run-off from the hard surface which would contribute to risk of flooding.

9 Non Standard Condition 2

Prior to first occupation of the development hereby approved, details of all proposed walls,

fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. To the rear of the proposed dwelling there shall be no close boarded fence and any hedgerow shall not exceed 1.50m in height. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail will protect the visual amenities of the development and prevent undue overlooking of adjoining property.

10 Non Standard Condition 3

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity.

11 Non Standard Condition 4

Prior to the first occupation of the proposed dwelling hereby approved, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with Policy 24 of the Havering Local Plan.

12 Non Standard Condition 5

Building Regulations - All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy 7 of the Havering Local Plan and Policy D7 of the London Plan.

13 Non Standard Condition 6

Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy SI 5 of the London Plan..

14 Non Standard Condition 7 (Pre Commencement Condition)

The development shall be carried out strictly in accordance with the Arboricultural Impact

Assessment, Method Statements and scheme of tree protection submitted under ref: Q0086.23. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans (drawing 03 Rev D) and not forming part of the information submitted under ref Q0086.23 shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

15 Non Standard Condition 8 (Pre Commencement Condition)

The combined site area (including that set aside for parking) of the dwelling and associated curtilage shall not exceed 285 square metres approx as shown on drawing no. 03 Rev D unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

In the interests of limiting impacts on the Metropolitan Green Belt and to enable the Local Planning Authority to retain control over future development.

16 Non Standard Condition 9 (Pre Commencement Condition)

Prior to first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NOx Boilers with maximum NOx Emissions less than 40 mg/kWh. Where any installations do not meet this emissions standard it should be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boilers shall be carried out in strict accordance with the agreed details and shall thereafter be permanently retained.

Reason: - To minimise the impact of building emissions on local air quality.

INFORMATIVES

1 Approval - No negotiation required

Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework.

2 Non Standard Informative 1

The proposals will require the provision of one new fire hydrant following consultation with the LFB. The new hydrant reference number will be P129407, the location of which can be adjusted through consultation with the LFB however is shown on the plan provided through consultation with the LPA. The applicant should request a copy of this consultation response and should liaise with the LFB over their requirements - 02085551200 / FSR-AdminSupport@london-fire.gov.uk

Authorising Officer:

A handwritten signature in black ink, appearing to read 'Neil Goate', written in a cursive style.

Neil Goate

5th January 2024