

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1777.23

WARD: Upminster

Date Received: 1st December 2023

ADDRESS: 24 RECTORY GARDENS
UPMINSTER

PROPOSAL: Single and two storey rear extension incorporating an enclosed balcony with blind dormers and roof lights and a replacement garage for storage following the demolition of the existing garage.

DRAWING NO(S): 867/01 REV G
867/02 REV G
867/03 REV G
867/04 REV G
867/05 REV G
867/06 REV G
867/07 REV G
867/08 REV G

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 detached dwelling finished in painted render with side dormer windows. Parking on the drive to the front and side of the property with a garage to the property. The existing garage is too narrow to park a modern motor vehicle. 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 and two storey rear extension incorporating an enclosed balcony with blind side dormers windows and roof lights with a replacement garage for storage following the demolition of the existing garage.

Changes are proposed to the tiles and windows as indicated on the application form as part of the refurbishment. Normally these types of work can be done under permitted development and do not require planning consent.

RELEVANT HISTORY

ES/HOR 1007/53 - Conservatory - Approved.

D0375.23	Certificate of Lawfulness for single storey rear extension with flat roof and rooflight and internal remodeling. Withdrawn	05-09-2023
Y0191.23	Single storey rear extension with an overall depth of 8m, a maximum height of 4m, and an eaves height of 3m. (PRIOR APPROVAL) Pr App Not Req'd	18-08-2023
D0223.23	Certificate of lawfulness for a single storey rear extension (following prior approval reference Y0191.23 dated 18-08-23) PP not required	20-09-2023
Y0086.23	Single Storey rear extension with an overall depth of 8m, a maximum height of 3m, and an eaves height of 3m. (PRIOR APPROVAL) Pr App Not Req'd	25-04-2023
P0583.04	Side dormer windows Apprv with cons	24-05-2004
P0242.04	Side dormer window Apprv with cons	19-03-2004
P2216.03	Side dormer window Refuse	27-01-2004

CONSULTATIONS/REPRESENTATIONS

No representations were received in response to 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

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.

This submission is following the approval of a 8m deep ground floor rear extension as part of prior approval application Y0191.23 and the subsequent certificate of lawfulness D0223.23. The applicant would like to add a first floor rear extension and undertake the works as one building operation, in addition with the other works described above.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Rectory Gardens is a residential street characterised by single and two storey dwellings of various styles and designs. Some of the properties have been extensions into the loft.

The proposed single/two storey rear extension would be mainly visible from the rear garden environment with oblique view from the street between the space created between the detached neighbours on either side.

It is noted that No.20 rectory Gardens have extended at first floor to the rear of their dwelling in 1995 under planning application P0114.95 which predates current guidance.

The depth of the garden from the rear wall of the dwelling to the boundary with the railway line is approximately 40m.

The proposed ground and first floor rear extensions would relate acceptably to the existing property with a continuation of the existing ridge line of the gabled roof over the dwelling.

The proposed first floor rear extension would project approximately 4m beyond the existing rear elevation including the balcony with its overhanging roof. No objections are raised from a design point of view or impact on the rear garden environment due to the staggered building line along this section of Rectory Gardens.

It is considered that this part of the proposal would not unduly impact on the street scene or 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. No objections are raised from a visual point of view.

The existing garage would be demolished and re-constructed for storage as it would be too narrow

to park a modern motor vehicle. Officer's are aware due to pre-app that the garage roof may be constructed with asbestos so care will be needed when removing the roof of the existing garage and informative will be added to the decision notice in respect to this.

In addition, blind side dormers and roof lights are proposed as part of the proposal. 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".

The blind dormers would be located to rear of the pitched roof dormers on either side of the dwelling. The blind dormers would be located within the roof of the first floor rear extension to provide additional space but would be set back from the face of the dormers by approximately 1.19m to minimise their impact. The dormer would be contained within the roof space by being set below the ridge and up from the eaves. No windows are proposed on these blind dormers and they would be tile hung to match the appearance of the roof and to blend in. The roof lights within the roof dormers would be inset to minimise the impact.

A condition would be imposed on the side dormers to ensure they are tile hung to match the appearance of the roof and not to be unrelated addition.

Taking the above into consideration no objections are raised from a visual point of view and it is considered that a refusal solely on the blind dormer would be difficult to uphold on appeal.

The proposal would be of an acceptable design and no objections are raised from a visual point of view.

IMPACT ON AMENITY

Consideration has been given to the impact on neighbouring dwellings in terms of loss of light and loss of privacy.

The application dwelling would be set in from the boundary with No.22 by approximately 0.85m and by approximately 2.85m with No.26 excluding the detached garage.

Site and aerial photos show that both of the neighbouring properties have opening facing the application dwelling and that they project further back into the plot.

The SPD outlines that as a general rule, houses can be extended from the rear wall of the original dwelling by up 4m in depth for a detached dwelling. Any greater depth required should be within an angle of 45 degrees, taken from the 4m dimension on the property boundary, in order to ensure a reasonable level of amenity is afforded to neighbouring properties. However, any mitigating circumstances need to be considered when assessing the proposal.

The depth and height of the proposed single rear extension at 8m and 3.15m with the parapet detail would be in excess of the 4m and 3m respectively normally permissible. However, the overall height of the extension at 3.15m would be mitigated by the space between the flank walls and the boundaries. In addition, the neighbouring garage at No.22 and due to the fact that No.26 projects further back into the plot would mitigate the depth of the proposed rear extension. Furthermore, the

applicant could fall back to build the 8m deep rear extensions under the previously prior approval Y0191.23 and the subsequent certificate of lawfulness D0223.23 and then follow on to seek consent for the other elements are part of this application including the first floor rear extension. However, the Council are considering the proposal in its entirety as part of this application.

Mindful of the position of the neighbouring dwellings and the garage at No.22 and within the application site, it is considered that these factors would mitigate the impact of the depth and height of the ground floor rear extension.

As part of the proposal, the existing garage would be demolished and rebuilt with a similar roof design to allow for water dispersal. It is considered that the re-built garage would not unacceptably impact on No.26, mindful of the existing garage which is in situ.

An equivalent degree of amenity should be secured for the detached neighbouring dwellings, both in terms of the existing house and rear garden and in terms of the ability to build an extension in line with this SPD.

The 4m deep first floor rear extension including the enclosed balcony would exceed Council guidelines of 3m. As mentioned, the application dwelling would be set in from the boundary with No.22 by approximately 0.85m and by approximately 2.85m with No.26 excluding the detached garage.

It is noted the proposed first floor rear extension would infringe upon a notional line taken from the boundary of No.22 Rectory Gardens at first floor level created by a 2m separation distance and the 3m depth of the extension, however, in this case the failure to meet guidance is mitigated by this neighbouring dwelling projecting further back into the plot beyond the application dwelling, the position of their garage and that the application dwelling and first floor rear extension would have an eaves line measured at the fascia of 3m in height and hips away from the boundary with No.22 Rectory Gardens.

Taking the above into consideration, it is considered that the proposed single/two storey rear extension would not unacceptably impact on the amenity of the adjacent neighbours at No.22 Rectory Gardens.

As with No.22, the neighbour on the other side at No.26 projects further back into the plot. The proposed first floor rear extension would project 0.9m beyond the characteristic rear projection of this neighbour. It is noted the proposed first floor rear extension would not infringe upon a notional line taken from the boundary with No.26 Rectory Gardens created by a 2m separation distance and the 3m depth of the extension due to limited projection beyond the rear elevation of No.26 Rectory Garden. The proposed first floor rear extension would be set in approximately 2.85m from the boundary.

It is noted that both the neighbouring properties on either side have side facing windows and the main entrance in respect to No.22 Rectory Gardens. Mindful of the separation distance between these flank windows and the proposed first floor rear extension and the blind dormers, it is noted that these parts of the proposal will not break a 45 degree line taken from the sill of these windows due to the separation distance. As such, it is considered that the proposed development would not unacceptably impact on the amenity of the adjacent neighbours of either side of the application site and the proposal would not result in undue loss of sunlight or daylight to the side facing windows in

line with the SPD.

The proposed roof lights on top of the blind dormers would be set in to the roof and be sufficiently removed from the sides of them so not to unacceptably impact on the adjacent neighbours.

It is considered that the proposal including the balcony would not result in any undue overlooking or loss of privacy above existing conditions, particularly as the first floor windows of the application dwelling already overlook the rear garden areas of surrounding residential properties. Furthermore, the overhang of the roof over the balcony would screen views to the most private part of the neighbouring gardens which is to the rear of their dwellings.

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 or that the flat roof of the rear extension would not be used as a balcony, roof garden or similar amenity area, unless specific permission is obtained in writing from the Local Planning Authority.

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

The application site is within a PTAL area of 1b. As per Policy 24 of the Havering Local Plan for a site within PTAL 0 - 1 that has 3 plus bedrooms, the site needs to provide a minimum parking provision of up to 1.5 spaces per dwelling. Photographic evidence shows that two parking spaces 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 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 condition(s)

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 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.

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.

6 Blind Side Dormer Window Finish

Notwithstanding the details shown on drawing 867/08 REV G accompanying the application, the face and cheeks of the blind side dormer windows on either side of the extended dwelling shall be tile hung to match the appearance of the roof of the existing dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with Policy 26 of the Havering Local Plan.

INFORMATIVES

1 Asbestos Informative

Asbestos Informative

It has been brought to the Council's attention that the existing garage roof has asbestos and needs to be upgraded. The applicant/contractors need to be take care when working, removing or altering materials that contain asbestos. A link has been attached in respect to this matter below

https://www.havering.gov.uk/info/20013/environment/127/hazards_pollution_and_flooding

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 - 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.

Authorising Officer:



Neil Goate

9th February 2024