

TOWN & COUNTRY PLANNING ACT 1990

PLANNING APPLICATION BY ACT PROPERTY INVESTORS

LAND REAR OF 7 CHESTNUT CLOSE, HORNCHUCH, RM12 5SX

FULL PLANNING APPLICATION FOR ERECTION OF BUNGALOW WITH ASSOCIATED PARKING AND AMENITY SPACE

PLANNING SUPPORT STATEMENT

SPL Ref: 23.7809

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PSS1 Pre-Application Advice 22/08393/PE, 1 September 2023

1.0 INTRODUCTION

- 1.1. The following is a Planning Support Statement (PSS). The principal purpose of the statement is to ensure the development proposals are based on a thoughtful design process and a sustainable approach to access.
- 1.2. The statement will relay the context in which the application is made. It will consider design & access parameters and planning policy as this relates to the proposal. Conclusions are set out within the final section of the statement.
- 1.3. The following documents were used in drafting the statement:
 - National Planning Policy Framework (2021).
 - London Plan (2021)
 - Havering Local Plan (2021).
- 1.4. In terms of planning merits, it is considered and is demonstrated in this statement that the proposal is acceptable considering relevant planning policies of the National Planning Policy Framework (NPPF), London Plan, Havering Local Plan; and having regard to other material planning considerations.
- 1.5. The site is available for development now, is deliverable and sustainable.

2.0 PRE-APPLICATION ADVICE AND RESPONSES TO MATTERS ARISING

- 2.1. Pre-application advice was sought from the Local Planning Authority (LPA). A written response, appended at **PSS1**, was received via email on 1 September 2023.
- 2.2. The pre-application response confirmed that the principle of development is acceptable and consistent with relevant policies of NPPF, London Plan and Havering Local Plan.
- 2.3. The response also acknowledged that the site is in a sustainable location; in a compatible residential area; and that appropriate development of residential gardens is acceptable in circumstances where it does not cause harm to the surrounding area or environment.
- 2.4. Next, the response then went on to identify that the prevailing pattern of development in terms of housing typology is semi-detached housing with detached outbuildings at the ends of private gardens.
- 2.5. In the above context, the Officer noted that the proposal would result in the change of the appearance of the area by creating “a detached dwelling ‘squeezed’ into the plot not taking into account building lines in the area”.
- 2.6. The Officer added that the proposal would have very little separation distance from the boundary with 8 Chestnut Close and that the construction of a “detached ‘stand-alone’ dwelling would appear out of place.
- 2.7. Finally the Officer concluded that the proposal would set an unacceptable precedent; that it would be materially out of keeping; that it would constitute overdevelopment of the site; and that it would be an unneighbourly development that would appear visually intrusive to neighbouring properties.

Responses to Matters Arising

Character of the Area

- 2.8. The proposal will be of no consequence to the character of the area. It will be imperceivable from the public realm and will allow the donor dwelling to the same vast majority of the length of rear garden as it benefits from at present.
- 2.9. It is pertinent that the site is not located in a Conservation Area, nor are there any listed buildings proximate to it. There is therefore no imperative to maintain the status quo.

Separation Distance from 8 Chestnut Close

- 2.10. As set out above, the Officer at the pre-application stage stated that the proposal would have very little separation distance from the boundary with 8 Chestnut Close. In this regard, the proposed single storey dwelling would be a not inconsiderable 2.9 metres from the boundary of 8 Chestnut Close at the nearest point. In addition, the distance from the rear elevation of 8 Chestnut Close to the nearest flank elevation of the proposed dwelling is a considerable 26.5 metres.
- 2.11. Given the foregoing, it is disputed that the proposed dwelling would have very little separation distance from the boundary with 8 Chestnut Close.

‘Unacceptable Precedent’

- 2.12. The proposal cannot constitute an unacceptable precedent development either, due to the unique characteristics of the site.
- 2.13. Firstly, most of the other dwellings in Chestnut Close proximate to the site fill the entire width of their respective plots. There is therefore no scope for these other dwellings to accommodate an access road down the flank of the existing dwelling.
- 2.14. Secondly, there is only one other property in Chestnut Close which benefits from a rear garden that is comparable to the length of the application site. All of the other gardens in the Close are much shorter and as such cannot physically accommodate a dwelling to their rear.
- 2.15. Finally, very few of the other properties in the Close can accommodate the requisite space for an access road whilst simultaneously benefitting from the necessary length of garden to accommodate a dwelling.

‘Overdevelopment of the Site’

- 2.16. All relevant development standards applicable to both the donor property and proposed dwelling are adhered to. It is therefore disputed that the proposal constitutes overdevelopment of the site, as alleged by the Officer at the pre-application stage.

‘Unneighbourly and Visually Intrusive Development’

- 2.17. The proposal is for a single storey dwelling that will be located a significant distance away from the nearest residential dwellings, in a discrete location at the end of an existing elongated residential garden.

- 2.18. Given the foregoing, the applicant does not agree with the Officer's assessment at the pre-application stage that the proposal will constitute a unneighbourly and visually intrusive development.

3.0 THE SITE AND SURROUNDINGS

- 3.1. The site is located at the Northern end of Chestnut Close in an existing residential area. Please refer to the submitted Location Map; Location Plan; and Aerial Plan (Drawing references 23.7809/M001; 23.7809/M002; and 23.7809/M003) for further locational information.
- 3.2. In terms of immediate surroundings, the site is surrounded by existing residential development. The proposal will therefore assimilate seamlessly with the existing predominant land use in the vicinity.
- 3.3. The application site in its entirety covers an area of 0.78 hectares. It currently comprises part of the rear garden of the residential property at 7 Chestnut Close.
- 3.4. The application site is in a very sustainable location, being within walking distance of a vast range of services and essential support facilities.
- 3.5. In relation to the topography of the site, the site is relatively flat across its extent.

4.0 THE DEVELOPMENT PROPOSAL AND SUITABILITY OF THE SITE

- 4.1. This application for full planning permission proposes residential development comprising a single bungalow with associated private amenity space and parking.
- 4.1. The proposal seeks to optimise the development potential of a unique site in Chestnut Close which has an elongated rear garden that increases in width the further it extends away from the donor house, providing an unprecedented opportunity locally to accommodate an additional dwelling.
- 4.2. The proposal for residential development is suitable for the site and the immediate locality in which it sits. It represents a well-conceived addition to existing residential development in the vicinity.
- 4.3. Residential development is compatible with the existing context of the predominant land use within Chestnut Close. There will therefore be no conflict between the existing and proposed land uses.
- 4.4. A desire to respect and enhance the site and its environs has been key to informing the proposed form of the scheme. Details which adhere to this are as follows:
- Existing site boundary vegetation will be positively retained where possible and complemented by the planting of additional native specimens. Breaks in the existing vegetation to the site boundaries will be attended to by new planting. Whilst public vantage points of the site are considerably limited, this new planting will ensure that a leafy aspect of the site is created for the amenity of residents in surrounding properties and for limited glimpses by passers-by. These measures will contribute to the proposal appearing in a desirable setting that is appropriate for the wider surrounding area.
 - Ultimately the proposed bungalow will be well designed, portraying good design principles.
 - Nationally described internal space standards are wholly adhered to.
 - The submitted Proposed Site Plan shows the proposed bungalow located a sufficient distance away from existing dwellings in the locality to the extent that no overlooking, overshadowing or overbearing would occur.
 - The removal of the poor-quality existing outbuilding on the application site is a

net benefit to both the site and surroundings.

- Strategic landscaping will be provided. This will bring about biodiversity net gain benefit on what is currently a site of low ecological value; and mitigate against any potential impacts between existing and prospective residents of the proposal.
- The proposal will include a comprehensive sustainable urban drainage (SUDs) scheme to deal with surface water runoff from the site.
- In addition to adhering to good design principles it is also proposed that the scheme will incorporate local sustainable materials, labour and construction methods, where possible.

4.5. Further to the details of the proposal as outlined, the site itself has favourable characteristics which make it particularly suitable in the locality for a scheme of the nature proposed. These are as follows:

- The scale of the site provides capacity for off road vehicle parking and the storage of building materials during the construction phase of the scheme. As such there will be no impact on highway safety and traffic flows resulting from prospective construction activity. To this end also, hours of construction can be stipulated by the LPA.
- The ensemble of boundaries which frame the application site can accommodate the proposal in a desirable setting without detriment to the overall composition of the site and the very limited views into it from external perspectives.

4.6. The combination of the proposed form of the scheme and the suitability of the site in accommodating it, as set out above, will ensure that the proposal has a negligible impact on the amenity of other properties in the vicinity and that it is akin and complimentary to the site and the character of the surrounding area.

5.0 DESIGN AND ACCESS PARAMETERS

Amount of Development

- 5.1. The Proposed Site Plan shows a single bungalow with associated private amenity space and car parking. It demonstrates that well-proportioned accommodation can be provided without over or under developing the site.
- 5.2. The amount of development is a function of several factors but principally the characteristics of the site which is clearly identifiable as a windfall opportunity amongst existing surrounding residential development.
- 5.3. The amount of development represents a use of land which makes best use of the site in terms of the optimum number of achievable units whilst simultaneously responding to the prevailing type of development in the area.

Layout of Development

- 5.4. The Proposed Site Plan demonstrates that the proposed bungalow, private amenity space and car parking suitably articulate within the site with by being positioned and orientated such that they are comfortably accommodated within its boundaries.
- 5.5. The proposed dwelling will be accessed via a driveway leading North into the site from Chestnut Close.
- 5.6. Domestic refuse and separate recyclable waste bins can be located in the dwelling as shown on the Proposed Site Plan and then taken to the bin collection point adjacent the donor dwelling, for collection.

Scale of Development

- 5.7. The scale of the proposed dwelling at a single storey ensures that it will sit inoffensively in its surroundings.
- 5.8. The scale of the proposal in terms of achievable unit numbers, of the proportions proposed, is the optimum without over or under developing the site.
- 5.9. Individual building elements will be of a size consistent with dwellinghouses.

- 5.10. The proposed dwelling will be contained within a well-defined site boundary to which very few external views would be obtained. Therefore, its perceived scale would be considerably tempered by the relative lack of perforation in the site boundaries.

Landscaping of Development

- 5.11. Detailed garden design would not normally be a matter for planning control once the strategic elements of the landscape structure has been agreed and provided.
- 5.12. Implementation of an appropriate landscaping scheme will ensure that the proposal appears to nestle pleasantly within an established landscape when viewed externally. As such it will have a negligible impact on the amenity of neighbouring landowners and in respect of the limited views from public vantage points.

Appearance of Development

- 5.13. The proposal is well designed, portraying good design principles.
- 5.14. The proposed dwelling will be single storey in form and the elevations will be well ordered with a sense of balance and repose.

Access of Development

- 5.15. The proposed vehicular and pedestrian access to the site is provided by a driveway from Chestnut Close.
- 5.16. The point at which the proposed driveway meets Chestnut Close facilitates good visibility onto what is a quiet cul-de-sac with minimal vehicle movements.

6.0 RELEVANT PLANNING POLICY

Principle of Development

- 6.1. Both national planning policy contained in the National Planning Policy Framework (NPPF) and local planning policy contained in the Havering Local Plan advocate steering new development to within existing settlements, i.e. Cities; towns; and defined villages, rather than beyond settlement limits on Green Belt or countryside.
- 6.2. Planning policy also seeks to ensure that proposed developments are compatible with the existing prevailing pattern of development in the locality, to ensure that no detrimental symptoms arise from locating potential 'bad neighbour' developments proximate to more sensitive land uses.
- 6.3. In the above context, the application site is within an existing settlement, wherein new development is encouraged to locate. The proposal, for a dwelling in an existing residential area, is also wholly compatible with the prevailing land use in the surrounding area.
- 6.4. With regards to housing supply, London Borough of Havering are currently unable to demonstrate a five-year housing land supply. In this context, the application proposal provides a 'windfall' opportunity for an additional dwelling.
- 6.5. Given all of the foregoing, it is respectfully concluded that the principle of development is acceptable in this particular instance, subject to the details of a prospective development being well conceived in Urban Design terms.

Urban Design Parameters

- 6.6. It is pertinent to ensure the proposed residential development melds with the existing dwellings in Chestnut Close and does not appear contrived in the streetscene.
- 6.7. The proposal must also have an acceptable relationship with the 'donor' dwelling at 7 Chestnut Close.
- 6.8. In the above context and as previously set out in this Planning Support Statement, the proposed dwelling and the donor property adhere to all relevant internal, amenity space and parking standards.

7.0 CONCLUSION

- 7.1. This application for full planning permission proposes residential development comprising a bungalow with associated private amenity space and car parking.
- 7.2. The proposal seeks to optimise the development potential of a unique site in Chestnut Close which has an elongated rear garden that increases in width the further it extends away from the donor house, providing an unprecedented opportunity locally to accommodate an additional dwelling.
- 7.3. The relationship of the development in relation to relevant national and local planning policy has been addressed.
- 7.4. Both national planning policy contained in the National Planning Policy Framework (NPPF) and local planning policy contained in the Havering Local Plan advocate steering new development to within existing settlements, i.e., cities; towns; and defined villages, rather than beyond settlement limits on Green Belt or countryside.
- 7.5. Planning policy also seeks to ensure that proposed developments are compatible with the existing prevailing pattern of development in the locality, to ensure that no detrimental symptoms arise from locating potential 'bad neighbour' developments proximate to more sensitive land uses.
- 7.6. In the above context, the application site is within an existing settlement, wherein new development is encouraged to locate. The proposal, for a dwelling in an existing residential area, is also wholly compatible with the prevailing land use in the surrounding area.
- 7.7. With regards to housing supply, London Borough of Havering are currently unable to demonstrate a five-year housing land supply. In this context, the application proposal provides a 'windfall' opportunity for an additional dwelling.
- 7.8. The site is available for development now, deliverable and sustainable.
- 7.9. In closing, the LPA is respectfully requested to grant planning permission subject to reasonable conditions.

PSS1

PRE-APPLICATION ADVICE 22/08393/PE, 1 SEPTEMBER 2023

Jennifer Wrayton

From: Marnie Smith <Marnie.Smith@havering.gov.uk>
Sent: 01 September 2023 11:16
To: Contact
Subject: Re: Pre-application advice for a new dwelling to the rear of 7 Chestnut Close, Hornchurch W0194.23

Dear George Ford,

This email is in reference to correspondence received through the Council's pre-application procedure. Firstly please accept my apologies for the long delay in providing you with a formal response. We are currently processing an unusually high volume of applications and pre-application enquiries which has regrettably impacted upon our ability to meet usual timeframes.

The Proposal

The proposal is the construction of a 2-bedroom dwelling in the form of a detached bungalow building to the rear of 7 Chestnut Close in Hornchurch. The existing side garage would be demolished as part of this proposal to allow access to the new dwelling.

The property is not a listed building and is not in a Conservation Area. No protected trees are nearby. The host dwelling is a two-storey semi-detached house on a large corner plot at the end of a cul-de-sac backing onto a railway line.

Assessment:

The application will be assessed against Policies D1 (London's form, character and capacity for growth), D4 (Delivering good design), D6 (Housing quality and standards), DF1 (Delivery of the plan and Planning Obligations), H1 (Increasing housing supply), H10 (Housing size mix), H13 (Specialist older persons housing), HC1 (Heritage conservation and growth), T5 (Cycling), T6 (Car parking) and T9 (Funding transport infrastructure through planning) of the London Plan 2021.

The DCLG Technical Housing Standards document is relevant.

Policies 3 (Housing supply), 5 (Housing mix), 7 (Residential design and amenity), 10 (Garden and back-land development), 24 (Parking provision and design), 26 (Urban Design), 27 (Landscaping), 33 (Air quality), 35 (On-site waste management) of the Havering Local Plan 2016-2031 (Adopted 2021).

The National Planning Policy Framework is relevant.

Key Discussion Points:

In terms of the principle of development, under the provisions of the NPPF 2021, there is no policy objection to the development as proposed. The provision of additional housing is consistent with the NPPF, London Plan H1 and Policy 3 of the Local Plan 2021 as the application site is within a sustainable location in an established residential area. The NPPF defines previously developed land and states that this does not include residential gardens. Paragraph 71 of the NPPF encourages Local Planning Authorities to resist inappropriate development of residential gardens, for example, where development would cause

harm to the local area. This indicates that appropriate development of former residential gardens would be acceptable in circumstances where it does not cause harm to the surrounding area or environment. Policy 10 of the Local Development Framework would be relevant to the assessment of the proposals, given the garden nature of the site to be developed.

The proposal would provide a 2-bedroom bungalow. No detailed plans and elevations have been provided. The requirements of Policy D6 of the London Plan in terms of the Gross Internal Floor Area (GIA), ceiling heights, minimum bedroom sizes and other similar requirements such as design should be met. A consultation would be made during the course of an potential planning application to ensure the proximity to the railway line meets guidance.

The prevailing pattern of development in term of housing typology in the area is semi-detached housing with detached outbuildings to the ends of private gardens. The proposal would result in the change of the appearance of the area from semi-detached dwellings to include a detached dwelling 'squeezed' into the plot not taking into account spacing and building lines in the area. The dwelling would have very little separation from the boundary with 8 Chestnut Close. The construction of a detached 'stand-alone' dwelling would appear out of place in the garden-scene and would set an unacceptable precedent to individual piecemeal dwellings that do not relate to others nearby, would be materially out of keeping with the open rear garden environment and it would constitute overdevelopment of the site. There are significant concerns that the proposed dwelling, by reason of its scale, siting and position close to the boundaries of the site, be an unneighbourly development and appear visually intrusive in the rear garden environment of neighbouring properties. Without detailed plans, it is difficult to make an assessment on the quality of the accommodation but it is likely that some habitable rooms would have a poor outlook. The provision of access and parking next to and very close to the host dwelling and the neighbouring house would lead to loss of amenity due to activity, noise and disturbance.

It is noted that a planning application for a nearby house at no.5 Chestnut Close for a detached dwelling in the rear garden was refused, *'by reason of the scale and bulk of the building and the nature of the proposed use as a residential dwelling would be materially out of keeping with the open rear garden environment, as well as giving rise to unreasonable levels of activity and vehicular movement within the rear garden, to the detriment of local character and the amenity of occupiers of neighbouring residential properties'* in 2008 (planning reference: P0446.08). An application at no.7 is likely to be refused for a similar reason.

Parking spaces for the host and new dwelling can be provided on the site; the Highways Department would be consulted if a planning application is made.

The proposals would attract both the Mayor and the Havering Community Infrastructure Levy contributions to mitigate the impact of the development.

In conclusion, based on the information to hand, the proposals would be refused.

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 (2019) Housing Trajectory, 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 update to the trajectory is being prepared but there is no firm date for the work to be completed. 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 only offer an insignificant contribution to housing supply and delivery which would not amount to great weight to the appeal proposal. Further, paragraphs 126-130 of the NPPF require high quality design and in particular the consideration of character and the amenities issues with respect to the neighbouring occupiers. For the reasons outlined within this written commentary the scheme would be considered as unacceptable in regard to its layout, position, constraints and its relation with the neighbouring buildings - these are key aspects of sustainable development. Therefore, the pre application proposal would not benefit from the presumption in favour of sustainable development set out in paragraph 11(d) of the NPPF.

This advice represents an informal opinion only and should not be construed as binding on any future decision that may be taken by the Council or any of its committees.

Important Information

Our planning policies may be viewed online [Adopted Planning Policies](#).

Further information on how to make a planning application can be found [Here](#).

Please note that we have recently updated our validation requirements for new applications. Details of what you will need to submit at application stage can be found at [Validation checklists](#)

In addition to planning permission, building regulations approval may be required for your proposed development. If you require advice regarding building regulations, you can call the Building Control team on 01708 433 100 between 9am - 10am weekdays. After this time, they are then out of the office carrying out their inspections for the rest of the day.

DISCLOSURE STATEMENT: Please be advised that the advice provided in this email is given in good faith. It is not however binding on any decision that may be made by us in respect of a subsequent planning application and does not override any statutory planning policies or documents, nor does it constitute an approval or permission of any kind.

Kind regards

Marnie Smith | Planner

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