

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1948.22

WARD: Hacton

Date Received: 30th November 2022

ADDRESS: 103 Suttons Lane
Hornchurch

PROPOSAL: Retrospective application for all structures located to rear and side of property

DRAWING NO(S): 100/001
100/002
100/003
100/004
100/005
100/006
100/007
100/008
100/009
100/010
100/011
100/012
100/013
100/200
100/201

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 relates to a two storey detached property converted into a nursery and is located on the corner of Suttons Lane and Hacton Drive, Hornchurch.

Parking is provided to the front and rear of the site.

DESCRIPTION OF PROPOSAL

Consent is sought for the retention of all structures/extensions to the side and rear of the subject premises - which were not subject to most recent earlier appeals made at the site

(APP/B5480/C/21/3274041 and APP/B5480/W/21/3274033). This consists of an extension to the side of the premises which extends to adjoin the rear extension (subject of the appeals referenced) and an enlargement of the outbuilding at the rear boundary of the site.

OFFICER COMMENTS: It is observed that the existing and pre-existing drawings submitted by the applicant are replicated. There is no true picture of the "pre-existing" situation, but this is not regarded as being prejudicial to the considerations of the application. The application is retrospective and the LPA is able to assess the structures in situ. Officers have made use of historic drawings submitted, along with dated photographs and street-view images. This has made clear that changes that have taken place which are limited to that described, alongside alterations to external finishes.

RELEVANT HISTORY

P0098.21	Retrospective application for the erection of lean-to rear of the property. Refuse	25-03-2021
E0060.20	Lean to rear extension Refuse	08-12-2020
P1781.18	ENCLOSING THE SOUTH EASTERN PORCH FOR SAFETY REASONS (RETROSPECTIVE) Refuse	23-01-2019
P0491.18	Variation of Condition 12 under application P0433.10 to allow for an additional 23 children P1045.10 Conditions(s) 12 Refuse	15-06-2018
P0291.18	Installation of 1no. single storey Portakabin building to be used as additional nursery accommodation and associated development including altered boundary. Refuse	24-04-2018
P1045.10	Variation of Condition 12 under application P0433.10 to allow for an additional 8 children Apprv with cons	14-09-2010
P0433.10	Single storey side and rear extension, single storey outbuilding to use as office in connection with existing nursery. Apprv with cons	18-05-2010
P0681.09	Single storey side and single/double storey rear extension and loft conversion. Apprv with cons	29-07-2009
P0018.09	Two storey side and rear extension and outbuilding staff room Withdrawn	23-04-2009
P0154.08	Extend and convert existing detached store room into staff room and office Apprv with cons	11-08-2008
P0155.08	Single/ two and 1st floor side and rear extension	

	Refuse	05-08-2008
P1621.01	Outbuilding for use as office in connection with use of building as a day nursery	
	Apprv with cons	18-12-2001
P1361.92	Change of use from Childrens d ay nursery and flat to Childrens day nursery only	
	Apprv with cons	08-01-1993

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were invited to comment directly, one letter of objection was received the comments made are summarised below:

- Breach of condition/numbers
- Overdevelopment
- Extensions without permission

OFFICER RESPONSE: The suggestion that the premises is in breach of safeguarding conditions is not subject to the current application and is a matter that will be considered separately. With regards to extensions being undertaken without permission this is not something that can be considered when an application is made for retention. The proposals will have to be considered in the context of other decision making including appeals.

The following comments were made by other stakeholders:

Environmental Health - No comments
Highway Authority - No comments

RELEVANT POLICIES

Havering Local Plan 2016-2031 - Policies 10, 13, 23, 26 and 34.
London Plan 2021
NPPF

MAYORAL CIL IMPLICATIONS

There is no requirement under the CIL regulations for a contribution.

STAFF COMMENTS

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. These objectives are reflected in Havering Local Plan 2016-2031 Policy 26 which fundamentally requires development consider surrounding local character.

The Inspector when resolving to allow APP/B5480/C/21/3274041 and quash the enforcement notice and to allow APP/B5480/W/21/3274033 and grant permission for a lean-to to rear of the property²⁹ August 2022 observed that whilst residential in origin, successive enlargements of the building, car parking areas at the front and side as well as signage have given the property an appreciably more commercial feel, as distinct from the mainly suburban residential character of its environs. This was a key consideration for the Inspector and in contrast to the Council's views that the site had become overdeveloped.

The small extension to the side which effectively wraps around the rear of the premises (by adjoining the existing side extension and rear extension subject to the earlier appeals) demonstrates a degree of subservience and whilst contributing to the amount and extent of development on site does not result in any demonstrable harm to the street-scene, particularly when viewed in the context of earlier decision making which has already altered the appearance of the subject building. Consequently, the additional extension is largely seen as a modest-sized built feature in the context of the more substantial overall scale of the building. The additional extension does not project beyond existing building lines and is in a position infilling a small undeveloped area and therefore does not unacceptably clutter the site. The outdoor play area maintains a sense of openness. Turning then to the other addition which enlarges the existing single storey outbuilding, this is a modest addition itself and similarly to the infill extension does not contribute unacceptably to the street-scene in light of other development that has taken place.

There remains a sense that the site has become overdeveloped to an extent, having regard to the available space remaining it is likely that further additions would not be viewed favourably. In considering the current proposals officers are mindful of the Inspector's conclusions when resolving to overturn the Council's earlier decision making. On balance the extension/structures to be retained maintain a degree of subservience to the main building, which has a materially different character to nearby residential dwellings through historic enlargement and commercial function. The development would comply with Havering Local Plan 2016-2031 Policy 26, as well as the NPPF.

IMPACT ON AMENITY

The Havering Local Plan 2016-2031 (HLP) at Policy 13 (Town Centre development) states that development will be permitted where it would have no significant adverse impact on surrounding amenity (including cumulative impact) in terms of anti-social behaviour, noise, odour, waste management, highways and parking. These considerations are reinforced by Policy 34 of the HLP which amongst other things states that the Council will not support development which would unduly impact upon amenity with specific reference given to noise.

The structures are concentrated to the side and rear of the premises. It is not considered that, visual impacts aside, that they are overbearing or likely to cause material harm in terms of light/overshadowing. Given their position away from the shared boundary with neighbours (where an extension was permitted through appeal APP/B5480/W/19/3226546). The numbers of children present at the premises are controlled through Condition 12 and 13 of P0433.10. There is no suggestion that the proposals are in connection with any variation of this condition. Accordingly it is not considered that there are any known amenity impacts arising from the current proposals which are limited to the retention of extensions/structures to the sides and rear of the premises.

As to the small extension to the outbuilding in the rear garden, this is modest in terms of its proportions and does not replicate the height of the main structure. Whilst projecting forward of the front building line of the adjacent neighbouring property it is not regarded as creating material harm through loss of light, overshadowing or sense of overbearing. Any activity arising from its use would in the view of officers be indistinguishable from the use of the site overall.

It is not considered, based on the evidence before officers that there are any grounds to withhold permission on amenity grounds.

HIGHWAY/PARKING

There is no evidence before officers that the proposals would contribute to any known highways/parking issues, this is a view supported by the absence of an objection from the Highway Authority who were invited to comment.

KEY ISSUES/CONCLUSIONS

Having regard to the above, in particular the existing situation at the site and observations made through appeal decisions made previously officers consider that the development retained would result in material harm which would enable a decision to refuse permission. APPROVAL is recommended accordingly.

RECOMMENDATION:

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

1 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.

INFORMATIVES

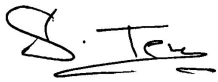
1 Approval - No negotiation required

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 granting of this permission does not supersede any previously imposed conditions, particularly those imposed on reference: P0433.10 concerning the number of children accommodated by the business use and the use of external areas.

Authorising Officer:

A handwritten signature in black ink, appearing to read 'S. Terry', with a horizontal line underneath.

Suzanne Terry

12th March 2024