

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0215.24

WARD: Gooshays **Date Received:** 14th February 2024

ADDRESS: 13 Kenilworth Avenue
Romford

PROPOSAL: Retrospective planning application for the construction of a new detached double garage

DRAWING NO(S): 1565-01
1565-02
1565-03

RECOMMENDATION: It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The subject site is located on the western side of Kenilworth Avenue and contains a double-storey detached dwelling. The site benefits from a garage with a flat roof (the subject of this application) which fronts Fairford Way along the rear boundary of the property.

The application site is not a listed building and is not within a conservation area.

DESCRIPTION OF PROPOSAL

The applicant is seeking retrospective planning consent for the construction of a new detached double garage.

RELEVANT HISTORY

P1334.02	Detached garage	
	Refuse	23-09-2002
P0505.95	First floor rear extension & dormer window in rear roofslope	
	Apprv with cons	21-07-1995

CONSULTATIONS/REPRESENTATIONS

Letters were sent to the neighbouring properties. One objection was received, summarised as:

- 1 - A previous application was refused
- 2 - Parking and manoeuvrability along Fairford Close is impacted by the proposal
- 3 - Concerns were raised with the Council's approach to granting approval retrospectively

Officer Response:

The neighbour is correct in stating a previous application P1334.02 was refused. However, this application was refused in 2002 under a different set of planning policies. As such, this refusal does not form a relevant precedent with the Council assessing this proposal albeit retrospectively on its own merit.

Officers apply the same planning policies to a proposal whether it is retrospective or prospective and approach both types of application in the same manner.

Parking issues will be discussed in the Highways Section of this report.

Highways Department: No objection

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RELEVANT POLICIES

LONDON PLAN (adopted 2021):

- Policy D1 - London's form, character and capacity for growth
- Policy D4 - Delivering good design
- Policy T6 - Car parking

Havering Council Local Plan (2016-31):

- Policy 7 (Residential design and amenity)
- Policy 24 (Parking provision and design)
- Policy 26 (Urban Design)

Residential Extensions and Alterations SPD

- Chapter 9 (Annexes, Outbuildings and Garages)

MAYORAL CIL IMPLICATIONS

This application is not CIL liable because the newly created floor space would be less than 100 square metres.

STAFF COMMENTS

In accordance with the Council's current criteria for site visits, an in-person site visit was not undertaken. Site photos were provided by the agent in support of this application. In determining this planning application, photos, Google Street View, aerial view images and submitted drawings were used to assess the site's constraints.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The REA SPD guidance on garages is limited to those proposed directly adjacent to the main dwelling. In this instance, the garage has rear access to Fairford Way. Typically this space is occupied by rear outbuildings or annexes of which the policy guidance of the REA SPD does not provide specific requirements on height/depth/bulk. Instead the REA SPD outlines that development should be subordinate in comparison to the host dwelling while Officers must consider scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment.

The garage is highly prominent in the street scene given there is no rear boundary treatment as this would limit access to the garage. A neighbour made reference to P0932.22 which was similarly granted retrospective planning permission for an outbuilding of similar height and scale to the rear of No. 21 Kenilworth Way. The case officer noted 'that the outbuilding was readily visible from Fairford Way and given the bulk, scale and mass of the host dwelling's attached neighbour's outbuilding, staff do not consider that the host dwelling's outbuilding is detrimental to the character and appearance of Fairford Way'.

The outbuilding relevant to P0932.22 features a similar flat roof. Indeed, there are several outbuildings to the rear of dwellings along Kenilworth Avenue along the rear boundary with Fairford Way which feature large flat roofs. Given the precedent set by P0932.22 and other neighbours it is difficult to argue the garage is out of character with neighbours and the established pattern of development. It is acknowledged these proposals all benefit from a boundary treatment to minimise the impact on the streetscene. However, on balance Officers do not consider the absence of the boundary treatment in the context of the garage is materially harmful to neighbourhood character comparatively to the row of outbuildings to the rear of neighbours which are too in view of the street scene.

Given prominence in the street scene a hipped roof may have been preferable, however, this would have required additional bulk to the roof of the garage which may have been unacceptably impacted on neighbour's amenity. In this instance and by way of judgement the flat roof and overall bulk, scale and design of the garage is deemed acceptable.

Officers are satisfied that the proposed use as a garage is incidental to the host dwelling. This will be secured by condition.

IMPACT ON AMENITY

Consideration has been given to the impact of the proposal on the neighbouring properties, primarily in respect of overshadowing, loss of light and loss of privacy.

The garage is not considered materially harmful to the amenity in terms of overshadowing/loss to any neighbours given the degree of separation of the garage and all neighbouring dwellings.

The garage is not considered to be intrusive, impact outlook or contribute to an overbearing sense of enclosure in relation to either adjacent neighbours as it is situated at the bottom of the rear garden a significant distance away from the rear elevation of neighbouring properties.

No's 2 and 17 Fairford Close are 24.3m and 17.2m from the closest point of the subject property. Both of these dwellings have side access with several windows fronting Fairford Way. Despite this, Officers do not consider the garage to be materially visually intrusive nor be of such a scale which would negatively impede the outlook of these neighbours despite the 3m flat roof height. Instead, it is largely consistent with the height/scale of similar outbuildings along Fairford Way. Although these properties have rear boundary treatments the garage would still offer an acceptable degree of amenity to neighbours.

There are no windows which would overlook towards any neighbour.

Overall, the development is considered to fall within the guidelines in the Supplementary Planning Guidance (Adopted 2011) for householder extensions and the proposal is not deemed to be unneighbourly.

HIGHWAY/PARKING

The garage is located on the applicant's private property and would be unlikely to impact the manoeuvrability along Fairford Way as it does not interfere with the existing alignment of the public highway. While there would be comings and goings from/to the garage, the frequency of such movements are unlikely to be so frequent they cause material harm to the highway. The garage would provide two off-street car parks and would not contribute to unreasonable degree of parking stress in the immediate area. The Council's Highways Department raised no objection to the proposal.

KEY ISSUES/CONCLUSIONS

The proposed development would not cause a detrimental impact upon the residential amenities of the neighbouring properties, or harm the visual amenities of the surrounding area.

It is therefore recommended that retrospective planning permission is granted.

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.

2 SC33 (Incidental Use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Reason:-

To restrict the use to one compatible with a residential area.

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.

Authorising Officer:



Raphael Adenegan

10th April 2024