

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0248.24

WARD: Hacton **Date Received:** 21st February 2024

ADDRESS: Land Rear of 7 Chestnut Close
Hornchurch

PROPOSAL: Erection of Bungalow with Associated Parking and Amenity Space

DRAWING NO(S): 23.7809/P201 A
23.7809/P202 A
23.7809/P203 A

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The application site comprises a 2-storey semi-detached house with a large rear garden, a side garage and a detached outbuilding. The area is residential and is largely characterised by two-storey semi-detached houses. The host property is neither in a Conservation Area nor is a Listed Building.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a single-storey, 2-bedroom dwelling with associated amenity space and parking.

Pre-application advice was sought and the Planning Officer suggested that the scheme would be likely to be refused.

RELEVANT HISTORY

P1872.23	Demolition of Existing Garage and Erection of Bungalow with Associated Parking and Amenity Space Withdrawn - Invalid 25-01-2024
W0194.23	Demolition of Existing Garage and Erection of Bungalow, with associated Parking and Amenity Spaces Awaiting Decision

CONSULTATIONS/REPRESENTATIONS

Adjoining occupiers were consulted by way of direct notification and 7 objections have been received with the following comments:

- Impact on parking, already congested, poor access for example for emergency services.
- Disruption during construction.
- Out of place and overdevelopment.
- impact on amenity to neighbours.
- Will set a precedent for others.
- Covenants state only on dwelling per plot.
- Plans are inaccurate- only 3.1m between no.7 house and no.6 garage wall.
- Shared drive is for garage and rear garden access only.
- Already a refusal at no.5 (planning reference: P0446.08).

These issues are addressed later in this report except for the noise and disturbance during construction and the covenant details, which are not material planning considerations.

In addition the following comments were made by other consultees:

LBH Highway Authority - Object due to lack of parking provision and independent access.

LBH Environmental Health (contaminated land) - No objection subject to conditions.

LBH Environmental Health (air quality) - No objection subject to conditions.

LBH Environmental Health (noise) - Suggest refusal on noise grounds.

Street Naming and Numbering - Applicant needs to apply.

LBH Waste/Recycling (Streetcare) - No objection.

Fire Brigade (Hydrants/Access) - Insufficient information has been provided regarding access.

Anglian Water - No objection.

Transport for London - No objection.

RELEVANT POLICIES

Havering Local Plan 2016-2031 Policies

Policy 7 - Residential Design and Amenity

Policy 10 - Garden and Backland Development

Policy 23 - Transport Connections

Policy 24 - Parking Provision and Design

Policy 26 - Urban Design

Policy 34 - Managing pollution

London Plan 2021

Policy D1 - London's form, character and capacity for growth

Policy D4 - Delivering good design

Policy D6 - Housing Quality and Standards

Policy H1 - Increasing housing supply

Policy T6 - Car parking

London Plan Housing Design Standards Supplementary Planning Guidance 2023

London Plan Housing Supplementary Planning Guidance 2016

The National Planning Policy Framework (NPPF)

MAYORAL CIL IMPLICATIONS

Contributions would be required under CIL regulations. The proposal would add 67 square metres floor area. An existing outbuilding with an area of 22.5 square metres would be demolished so the total new floor area would be 44.5 square metres.

This would translate to a Mayoral CIL (MCIL2) contribution of £1112.50 (£25 per sqm).

As of September 1st 2019, Havering adopted its on community infrastructure levy (HCIL) which has a chargeable rate of £125 per sqm in this location. This translates to a contribution of £1562.50.

Each contribution would be subject to indexation.

STAFF COMMENTS

An in-person site visit was not necessary. Photos provided by the agent in support of the application were used. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

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 acceptability of any submission is reliant on other policy considerations including Policy 10 of the Havering Local Plan 2016-2031 which requires consideration of the following:

Proposals for residential development on garden and back-land sites in Havering will be supported when they:

- i. Ensure good access and, where possible, retain existing through routes;
- ii. Retain and provide adequate amenity space for existing and new dwellings;
- iii. Do not have a significant adverse impact on the amenity of existing and new occupants;
- iv. Do not prejudice the future development of neighbouring sites;
- v. Do not result in significant adverse impacts on green infrastructure and biodiversity that cannot be effectively mitigated and;

vi. Within the Hall Lane and Emerson Park Character Areas as designated on the Proposals Map, the subdivision of plots and garden development will not be supported, unless it can be robustly demonstrated that the proposal would not have an adverse impact on the character of the area and that the proposed plot sizes are consistent with the size, setting and arrangement of properties in the surrounding area.

In addition to the above, the Housing Delivery Test results are a material consideration. On the 19th December 2023, the Government published the Housing Delivery Test result for 2022. The Housing Delivery Test Result for 2022 is 55%. In accordance with the NPPF the "Presumption" due to housing delivery therefore applies. In terms of housing supply, based on the latest 2024 Housing Trajectory, Havering is able to demonstrate 3.4 years 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 update of the Local Plan and this is set out in the Council's Local Development Scheme. Therefore, in the meantime whilst the position with regard to housing supply is uncertain, the "Presumption" due to housing supply is applied. The Presumption refers to the tilted balance set out 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 offer a small contribution to housing supply and delivery and this would weigh in favour of the development. However, paragraph 135 of the NPPF requires high quality design, consideration of character and a high standard of amenity for existing and future users. For the reasons outlined within this report the proposed development is unacceptable in regard to its resultant impacts on living standards for future residents, impact on amenity, the impact on the street- scene and the impact on the highway - these are key aspects of sustainable development.

Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11(d) of the NPPF.

DENSITY/SITE LAYOUT

The London Plan 2021 at Policy D6 (Housing Quality and Standards) requires 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 take into account commonly required furniture and the spaces needed for different activities and moving around.

The proposed dwelling would have a internal floor area of 67 sqm which meets the minimum for a 1-storey, 2-bedroom / 3-person dwelling (minimum of 61 sqm) contained in Policy D6 of the London Plan. The bedroom sizes are adequate. The unit would have its own front door and would be dual aspect. Additionally, the London Plan Housing Design Standards Supplementary Planning Guidance adopted in 2023 mentions that the minimum combined floor area of living, dining and kitchen spaces in a three person dwelling should be 25 square metres; this is met (27 square metres). The minimum floor to ceiling height must be 2.5m for at least 75% of the gross internal floor area; this appears likely to be met, although not clearly shown on the plans.

The design of the dwelling is such that the living areas and bedrooms would receive sufficient light. However the second bedroom would have a poor outlook only 1m away from the boundary fencing providing substandard residential accommodation for future occupants.

The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. The proposed amenity spaces would be adequate in terms of provision of useable and quality outdoor areas for a 2-bedroom unit.

The proximity to the railway line would cause loss of amenity to future occupiers by reason of noise. A noise report was received with the planning application to address the noise and vibration from the railway line and the impact that this may have on the new development. The report indicates that the noise from the railway will be an issue unless suitable mitigation is employed. Whilst some mitigation has been suggested, this is primarily with regard to the use of trickle vents, it does not take into account the summer months when windows are likely to be left open for ventilation, which the trickle vents do not adequately address. It is taken that open windows reduce the performance of any glazing/trickle vents by around 15dB, so therefore it is likely that the noise levels within the bedroom and living area will therefore not meet the criteria of BS8233, nor WHO guidelines, particularly as the modelled levels are on the cusp of these standards.

In summary the proposal would have poor outlook from the second bedroom and the noise from the nearby railway would lead to substandard residential accommodation for future occupants.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy 26 of the Havering Local Plan (Adopted 2021) states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area by responding to distinctive local building forms and patterns of development and by respecting the scale, massing and height of the surrounding physical context. The National Planning Policy Framework (NPPF) reinforces this by placing emphasis on good quality, design and architecture. The NPPF requires that planning decisions ensure developments are sympathetic to local character.

The proposed development appears incongruous and visually intrusive in the garden scene as it fails to take into consideration building footprints, sizes and scales nearby. 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 no.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.

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).

The proposal conflicts with the objectives Policy 26 and the NPPF as it presents an incongruous and cramped development.

IMPACT ON AMENITY

Consideration has been given to the impact on the neighbouring dwellings in terms of loss of light and loss of privacy. Planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

The dwelling would be more than 20m away from the host house and nearby neighbouring houses and would be a sufficient distance away and the impact on amenity would be minimal in terms of loss of light. The dwelling would be single-storey and overlooking would be minimal.

However, the provision of access and parking next to and very close to the host dwelling and the neighbouring house at no.6 and their rear gardens would lead to loss of amenity due to activity, noise and disturbance. It has been noted that the plans may be inaccurate and that the spacing shown on the plans of 4m between the house at no.7 and no.6 is wrong and the space is more like 3.1m.

The proposal would be unneighbourly.

HIGHWAY/PARKING

CAR PARKING

The site has a Public Transport Accessibility Level (PTAL) rating of 0 which translates to very poor access to public transport. The London Plan Policy T6 and the Havering Local Plan Policy 24 identifies that a 2 bedroom dwelling in Outer London should have 1 spaces per dwelling for PTAL 0-1 areas and a 3-bedroom dwelling should have 1.5 spaces per dwelling for PTAL 0-1 areas (rounded up to 2).

The host dwelling would only have space left for 1 car parking space to the front of the site to allow the proposed access and the garage would be lost, failing to meet policy. The proposed new property would have 1 car parking space. There would be inadequate parking provision for the host dwelling and, in reality, the shared access to the parking to the new dwelling would be problematic due to its reliance on land ownership by no.7 and no.6.

Inadequate off-street parking provisions have raised concerns from highways on the basis the proposal entails a considerable increase in parking for a small cul-de-sac. There is a significant potential for an increase in vehicle ownership at the property as a result of the application.

Also, the London Fire Brigade (Hydrants/Access) state that insufficient information has been provided regarding access for emergency vehicles. The access width is likely to fail to meet their guidance. However the fire officer states that if drive-up fire access is not possible to the site then the dwelling should be provided with a domestic sprinkler system in accordance with BS9251:2021.

CYCLE PARKING AND BIN STORAGE

Planning Policy supports development that promotes more sustainable modes of transport; such as walking and cycling. If minded to approve, conditions could ensure that the bin stores and cycle storage shown on the plans are provided.

TREES

In relation to trees, the site is not in a Conservation Area and there are no Tree Protection Orders on or adjacent to the site but the site adjoins railway land which is designated as a Site of Importance for Nature Conservation of Borough Wide Importance (SINC). The rear garden contains numerous small trees and shrubs and in the SINC beyond the northern boundary, there are small trees, shrubs and bramble. An Arboricultural Impact Assessment was submitted with this planning application which outlines a survey done of the trees and shrubs and their value / quality. All on-site trees and shrubs would be removed as part of the scheme and they are not of high quality / value to justify a refusal of the scheme. The off-site trees could be protected by suitable demolition methods and tree protective fencing as outlined in the submitted report if the permission for the bungalow were to be granted.

KEY ISSUES/CONCLUSIONS

Upon full assessment of the submitted material supporting the application, taking into account all material considerations, it is considered the objectives of the development plan have not been met, and that planning permission should be refused.

RECOMMENDATION:

It is recommended that **planning permission be REFUSED** for the following reason(s)

1 Reason for refusal - Streetscene

The dwelling would be out of character for the built form in this locality and adversely disrupt the established pattern of development. The proposal would therefore be contrary to Policies 10, 7 and 26 of the Havering Local Plan 2016-2031 and also the NPPF which requires fundamentally that development add to the overall quality of the area whilst also establishing or maintaining a strong sense of place.

2 Reason for refusal - Layout

The proposed development would result in a poor quality living environment for future occupiers. The design approach adopted would provide poor outlook from the second bedroom and the proximity to the railway line would create unacceptable noise levels resulting in substandard residential accommodation to the detriment of the amenity of future occupants of this proposed 1-bed dwelling. The proposals would therefore be contrary to Policies 10, 7 and 26 of the Havering Local Plan 2016-2031 and Policy D6 of the London Plan.

3 Reason for refusal - Neighbours amenity

The proposed development by reason of the access to the new dwelling next to the houses and gardens at no.6 and no.7 Chestnut Close would result in an overbearing impact with unreasonable levels of activity and vehicular movement next to these houses and their rear gardens to the detriment of their amenity contrary to the high quality design aspirations of the National Planning Policy Framework (2021), policies D3 and D4 of The London Plan (2021) and Policies 7, 10 and 26 of the Local Plan.

4 Reason for refusal - Parking Deficiency

The proposed development would, by reason of the access and on-site car parking provision for both the host and the new dwelling, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary Policies 23 & 24 of the Havering Local Plan 2016-2031.

INFORMATIVES

1 Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, it was necessary to issue a decision as close to the statutory timeframe as possible as opposed to seeking amendments which would have significantly delayed the application.

2 Refusal and CIL

In the event that this application is allowed through the appeals process the proposals would be liable for the following CIL contributions:

Mayoral CIL contribution of £1112.50 (x £25 per sqm).

Havering CIL contribution of £5562.50 (x £125 per sqm)

Each contribution would be subject to indexation.

Authorising Officer:

A handwritten signature in black ink, reading "Habib Neshat". The signature is written in a cursive style with a vertical line at the end.

Habib Neshat

25th April 2024