

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0053.24

WARD: South Hornchurch **Date Received:** 10th January 2024

ADDRESS: 155 Cherry Tree Lane
Rainham

PROPOSAL: First Floor Rear Extension

DRAWING NO(S): PropPlns01
PropElev01
RoofPlns01
BlkPln01

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 houses a semi-detached residential 2-storey dwelling house with a single storey rear extension substantially completed with a 6m depth approved via a prior approval application (reference: Y0315.23). The property is not listed, nor is it within a conservation area. No trees will be affected as a result of this proposal. The surrounding area is residential in nature, containing mainly semi- detached houses. There are various extensions in close proximity.

DESCRIPTION OF PROPOSAL

The applicant is seeking planning consent for a first floor rear extension.

RELEVANT HISTORY

Y0315.23	Single storey rear extension with an overall depth of 6.00m, a maximum height of 2.70m, and an eaves height of 2.30m. (PRIOR APPROVAL) Pr App Not Req'd 09-01-2024
D0498.23	Certificate of Lawfulness for hip roof to a gable end roof for the proposal of a loft conversion. PP not required 29-12-2023
Y0301.23	Single storey rear extension with an overall depth of 6.00m, a maximum height of 2.70m, and an eaves height of 2.30m. (PRIOR APPROVAL) Pr App Ref Val 24-11-2023

P1354.23

Double Storey Rear & First Floor Side Extension & Second Floor Rear Loft Conversion

Withdrawn

11-10-2023

CONSULTATIONS/REPRESENTATIONS

Letters were sent to the immediate neighbouring properties. No objections were received.

RELEVANT POLICIES

Havering Local Plan Adopted November 2021

- Policy 7 Residential Design and Amenity
- Policy 24 Parking provision and design
- Policy 26 Urban Design

Residential Extensions and Alterations Supplementary Planning Document Adopted 2011 (SPD)

- Section 5 Rear extensions

MAYORAL CIL IMPLICATIONS

Contributions would not be required under CIL regulations as the proposal would result in a net increase of less than 100m².

STAFF COMMENTS

An in-person site visit was not undertaken. In determining this planning application, photos, Google street view, aerial view images and submitted drawings were used to assess the site constraints.

It is noted that the site is located in a landfill buffer zone and normally a condition should be applied to any approval requesting gas migration information. However in this case, the ground floor part of the extension has already been substantially completed via a prior approval application. Although the extension is shown in this application, effectively it has been done under the fallback position of the prior approval application. On this basis, it is not considered a gas migration condition to reasonably be applied to the already built extension.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The first floor rear extension would have a depth of 3m and would be set in more than 2m from the side boundary with the attached neighbour at no.157, meeting the guidance in Section 5 of the SPD. The first floor rear extension would be less than 2m from the non-attached dwelling at no.153 but in this instance the spacing is considered acceptable as there is access to the gardens separating the two dwellings. The roof of the first floor extension would be much lower than and hipped back into the main roof.

Overall, the proposed extensions do not pose harm to the visual appearance of the host site or surrounding area and are generally in accordance with planning policy and guidelines.

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.

As already mentioned, the first floor element would have a depth of 3m and would be set in more than 2m from the side boundary with the attached neighbour at no.157, meeting the guidance in Section 5 of the SPD and there would be minimal impact on this neighbour in terms of loss of light and overshadowing.

The first floor rear extension would be less than 2m from the non-attached dwelling at no.153 and careful consideration has been made to assess the impact on amenity in relation to the flank windows of this property. The first floor rear extension would cross a 45 degree line from the mid point of the sills of these flank windows, failing to meet SPD guidance. However, it is acknowledged that the existing single storey extension already crosses this 45 degree line and the flank windows towards the front of no.153 are already impacted by the main house at no.155. The flank window towards the rear of this bungalow is obscure glazed and appears to be a bathroom so it would be difficult to refuse this application due to loss of light as it is not a habitable room.

There would be no windows in the flank walls of the extension, so there would be no overlooking issues.

Overall, the development would not be un-neighbourly.

HIGHWAY/PARKING

The front garden has hardstanding for off-road parking for 2 cars. Policy 24 of the Havering Local Plan Adopted November 2021 requires at least 1.5 spaces per 3+ bedroom unit; this is met.

KEY ISSUES/CONCLUSIONS

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 SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate 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 walls of the dormer 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.

INFORMATIVES

1 Approval following revision ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 38 of the National Planning Policy Framework, improvements required to make the proposal acceptable were negotiated with the agent via email. The revisions involved a reduction in the depth and width of the extension and the roof changed so that it is hipped back into the main roof. The amendments were subsequently submitted on 15.2.24 and 23.5.24.

2 Party Wall

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>

Authorising Officer:

Habib Neshat

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3rd June 2024