

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0523.24

WARD: Elm Park **Date Received:** 12th April 2024

ADDRESS: 16 WOBURN AVENUE
HORNCHURCH

PROPOSAL: Ground and first floor part rear extension

DRAWING NO(S): A301 Rev 01
A303 Rev 01
A304 Rev 01
A305 Rev 01
A307 Rev 01
A308 Rev 01
A309 Rev 01
A306 Rev 02
A310 Rev 02

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

SITE DESCRIPTION

Application site was formally end of terrace dwelling however permission was granted to extend the terrace through permission ref: P0960.22 which has been implemented. The site is neither listed nor within a Conservation Area.

DESCRIPTION OF PROPOSAL

Consent is sought for part ground floor, part first floor rear extension to the subject property.

OFFICER COMMENTS: It is noted that the property subject of P0960.22 is shown on submitted plans as "existing" however at the time of inspection this property was not completed. It is however clear that the permission was implemented and is substantially completed. It is safe to assume that the development would be built out to finish in accordance with the approved plans and the proposals are assessed on that basis (per drawings submitted).

The site is registered as a HMO and is present on the Public Register as being licensed since 17/07/2019 for up to six persons. The applicant fails to declare the use of the property in Section 14 of the application stating "residence" rather than C4/HMO. Given that the proposals concern the

formation of an additional bedroom to number 7 in total it is clear that there is intent to increase the occupancy of the HMO. Doing so would represent a material change of use to a large HMO Sui Generis which would require planning permission.

RELEVANT HISTORY

P0389.24	Rear Dormer Extension & Hip to Gable Roof Alterations
	Refuse 13-05-2024
P0960.22	Erection of a two storey, 1-bed dwelling to side of existing dwelling with associated parking and amenity space, involving demolition of existing garage
	Apprv with cons 31-08-2022
P1851.19	NEW BUILD END OF TERRACE HOUSE
	Apprv with cons 03-02-2020

CONSULTATIONS/REPRESENTATIONS

Letters were sent to neighbouring properties and three letters of representation were received, the comments made are summarised below:

- Overlooking/loss of privacy
- Noise/disturbance
- Loss of light/overshadowing

(OFFICER RESPONSE: Some comments refer to the adjoining dwelling under construction. Officers attended the site 13-06-2024 and whilst not able to gain access to the site were not able to consider whether the works under the current proposals have been started. Nevertheless, even had they commenced this would not be prejudicial to determining the current application.

On the matter of noise/disturbance, this appears to be directed at the existing dwelling, which is understood to be in use as a HMO. Similarly comments over the behaviour of residents of the HMO are not a material planning consideration for the current submission. On the matter of covenants, as raised by one objector, this is not a material consideration at this stage. Pre-existing property rights would not be superseded by any grant of planning permission.)

RELEVANT POLICIES

Havering Local Plan 2016-2031, Policies 7, 26 and 23/24.
Residential Extensions and Alterations SPD
NPPF

MAYORAL CIL IMPLICATIONS

There is no requirement under the CIL regulations for a contribution in this instance owing to the limited floor area created.

STAFF COMMENTS

DESIGN/IMPACT ON STREET/GARDEN SCENE

Paragraph 124 of the NPPF states that planning decisions should take into account the desirability of maintaining an area's prevailing character. At Policy 26 of the Havering Local Plan 2016-2031 these objectives are also sought amongst other considerations.

The Framework further 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.

Whilst preceding the adoption of the Havering Local Plan 2016-2031 the Residential Extensions and Alterations SPD (adopted 2011) remains part of the development plan. It states that whilst extensions and alterations can bring many benefits to the householder in terms of extra space and security, they can also undermine the original character of both the property they are associated with and the street they are situated within. The SPD offers detailed design guidance and principles.

Council design guidance is clear in stating that two storey rear extensions to terraced houses are rarely acceptable as they inevitably affect one or both of the adjoining properties. In this instance the subject property is in the process of being extended and is no longer an end of terrace dwelling, which may have meant that an extension was more achievable. Whilst the adjoining premises is not completed, it has been implemented and therefore it is safe to assume that it would be completed in accordance with the approved plans. Guidance further states that two storey rear extensions should be set in from the common boundary with any attached dwelling by not less than 2 metres, and should project no more than 3 metres. Whilst the depth is commensurate with guidance, the extension would not be set in from the common boundary with the new dwelling under construction (Ref: P0960.22) and would consequently appear visually cramped and overbearing from the adjoining site.

The development is contrary to guidance contained within the Residential Extensions and Alterations SPD and would conflict with Havering Local Plan 2016-2031 Policy 26 and the Framework. The amenity impacts are assessed below:

IMPACT ON AMENITY

Consideration must be given to the impact on neighbouring dwellings in terms of loss of light,

outlook, sense of enclosure and loss of privacy as is required by Policy 7 of the Havering Local Plan 2016-2031 and the Residential Extensions and Alterations SPD.

Whilst comments are made regarding loss of privacy are noted, it is unlikely that any impacts would be capable of substantiating a decision to refuse permission. The views achieved would not be out of character in the suburban environment.

The adjoining premises each have single storey rear projections as existing. The proposals would comply with Council design guidance in terms of depth/proportions at ground floor level and would not create any material impacts on neighbouring amenity.

From review of the site circumstances the impacts are then focused on the first floor projecting part of the addition. Council design guidance requires that first floor rear extensions are set in by not less than 2m from any common boundary. In this instance the proposals would not be set-in from the dwelling under construction and the subject of application reference P0960.22 and this would create an unneighbourly relationship which would be detrimental to neighbouring amenity through impeding outlook from first floor windows.

Whilst officers recognise the content of other representations made and recognise that the increased mass of the dwelling at first floor/roof level may translate to some degree of overshadowing the proposals comply with Council design guidance. It is not considered that the degree of harm would be sufficient to withhold permission. Views from the first floor openings would not be uncharacteristic or unduly out of character.

Nevertheless it is considered that there are sufficient grounds to withhold permission.

The development is contrary to guidance contained within the Residential Extensions and Alterations SPD and would conflict with Havering Local Plan 2016-2031 Policy 26 and the Framework.

HIGHWAY/PARKING

There are no known highways/parking matters arising from the subject matter of the current application.

KEY ISSUES/CONCLUSIONS

Having regard to the above and in doing so all relevant planning policy and material considerations REFUSAL is recommended.

RECOMMENDATION:

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

1 Refusal non standard

The proposed ground and first floor part rear extension would not comply with Council design guidance and would accordingly form a visually dominant and overbearing feature and one

which would be detrimental to outlook of adjoining occupants (property subject of P0960.22) and their amenity more generally. As such the development would be contrary to Havering Local Plan Policies 7 and 26 of the Havering Local Plan.

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, notification of intended refusal and the reason(s) for it was given to the agent in writing 17-06-2024

2 Non Standard Informative 1

The proposals would create an additional bedroom and would accordingly allow for greater levels of occupancy of the existing dwelling which is in use as a small HMO. Any uplift in occupancy would represent a material change of use to Sui Generis which has neither been sought, nor formed part of this current application.

Authorising Officer:

Habib Neshat

Habib Neshat

17th June 2024