

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0643.24

WARD: Rainham & Wennington **Date Received:** 8th May 2024

ADDRESS: 8 Abbey Wood Lane
Rainham

PROPOSAL: Erection of part single, part two storey rear extension

DRAWING NO(S): Location Plan
2349-MRD-E-1010-B
2349-MRD-P-2010-C

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

SITE DESCRIPTION

Residential, gabled roof, two storey detached dwelling finished in painted render and brick. Parking available on the driveway to the front of the property. The surrounding area is characterised by single and two storey dwellings of various styles and designs.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of part single, part two storey rear extension.

RELEVANT HISTORY

ES/HOR 398/A/60 - 1 of 2 Detached houses - Approved.

L/HAV 887/74 - Front porch & rear extension - Approved.

P1709.23	Demolition of existing single storey rear extension and erection of part single, part two storey rear extension Withdrawn 23-01-2024
D0161.23	Certificate of Lawfulness for single storey outbuilding to rear to be used as gym and office involving demolition of existing rear garage, porch to front involving demolition of existing porch, and conversion of roof space to habitable use to include a rear dormer and front roof lights PP not required 08-06-2023
P0125.14	Conversion of garage and part single & part two storey front extension Apprv with cons 25-03-2014

P0050.08	Cabin toilet for sole use of London Buses personnel
	Refuse 12-03-2008
P1514.00	Single storey front/side extension, including erection of garage
	Apprv with cons 22-12-2000
P1323.95	Two detached chalet style bungalows
	Apprv with cons 03-05-1996
P0357.94	Erection of two, 3-bedroom detached bungalows and two, 3-bedroom detached houses - Outline. (Revised plans received 13/06/94)
	Refuse 24-10-1994

CONSULTATIONS/REPRESENTATIONS

One representation was received in response to the neighbour notification with their comments summarised below.

- The property has been totally transformed and looks like a demolition site.
- All interior walls have been removed its now a shell, its it structurally safe.
- They have also changes the roof, and added a dormer.
- They have removed all the top floor front windows, and not replaced them
- They have also removed all the rear top and bottom floor windows, and not replaced them
- They have demolished the rear single storey extension, and left a gapping hole.
- They have cemented and reinforced with wire mesh the whole of the garden.
- They've run drainage pipes to the end of the garden for an annex or outbuilding.
- The cement base does not appear to have any rain drainage, concerned about excess rain water.
- Both the front and rear gardens look like a building site, with building materials scattered everywhere.

In response to the above comments the Council's Planning Department do not have control over construction works, drainage, methods used on site for construction and storage of materials as this falls outside of the Planning Department's remit. Some of these matters are covered under Building Regulations.

The loft conversion and outbuilding formed part of a certificate of lawfulness application D0161.23. When dealing with applications of this nature, it is not normal practice to notify neighbouring occupiers since any decision that the Council may make is based on fact and whether a proposal meets specific criteria in law, not the potential impact upon a neighbouring property or in respect to design. The permitted development legislation was introduced by Central Government and applies nationally.

The applicant is awaiting on the outcome of this application and has taken preparatory works prior to the decision.

RELEVANT POLICIES

- For ease of reference, the Residential Extensions and Alterations SPD will be referred as "SPD".

LONDON PLAN:

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

Policy D4 Delivering good design

Policy T6 Car parking

Havering Local Plan (2016-2031)

Policy 7 (Residential design and amenity).

Policy 24 (Parking provision and design).

Policy 26 (Urban Design).

LDF

SPD04 - Residential Extensions & Alterations SPD

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal includes the creation of less than 100sqm of residential Gross Internal floor Area (GIA) and is therefore not liable for CIL payments.

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not initially undertaken. Site photos were provided by the agent in support of the application and the photos from the previous Certificate of Lawfulness application D0161.23 were also utilised. In determining this planning application, photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

However during the course of the application, it was noted that there was a number of windows on the flank wall of No.6 Abbey Wood Lane facing the application site and as a result, the case officer visited the site to assess the impact on these windows.

This application is a resubmission of a previously withdrawn planning application P1709.23. Concerns were raised regarding the scale and bulk of the proposal and impact on neighbours. Following this, the agent withdrew the application. A revised scheme has now been put forward for consideration.

Revised plans were provided removing the annotations in respect to the works for the certificate of lawfulness which are separate to this application. Also, the submitted photos indicated that the whole of the existing ground floor rear extension was demolished, where the proposed floor plan showed that the flank wall of this extension was to be retained. The agent update the proposed floor plan for clarity and a re-consultation was not required as the same layout was being provided.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The part single, part two storey rear extension would be mainly visible from the rear garden area apart for oblique views from the street from the space of side access between the properties and from the neighbouring gardens and the school to the rear of the site.

The SPD outlines that "Two storey rear extensions should project no more than 3m but in exceptional local circumstances rear extensions of a greater depth up to a maximum of 4m may be acceptable where, for example, this would be sympathetic with the character of the local area and/or rear extensions of a similar depth already exist at neighbouring properties.

The existing ground floor rear extension has been demolished with the depth of the ground floor rear being proposed at 5.19m with the depth of the first floor rear at approximately 3m.

Both the ground and first floor rear extensions would be finished with a crowned roof. The SPD states that two storey rear extensions, the roof should be pitched, set at right angles to the main roof and generally finished with a hipped end.

A crown roof is proposed for the first floor rear extension due to rear dormer window that has been constructed as part of the certificate of lawfulness application D0161.23. Rear extensions should be carefully designed in order to minimise their bulk.

The first floor rear extension would extend the full width of the dwelling and using multiple hip roofs would provide an undesirable 'saw tooth design' feature which would not be sympathetic. The position of the large dormer does not provide the opportunity to provide a traditional hip roof set at right angles to the main roof and generally finished with a hipped end.

Mindful that the crowned roof would be located to the rear of the dwelling and the property is a detached, it is considered that this would be best option in this instance.

As a result and mindful of the changes undertaken since the previous withdrawn application, it is considered that the proposal would be within the realms of the acceptability and no objections are raised.

IMPACT ON AMENITY

Consideration has been given to the impact of the proposal on the side properties, primarily in respect of privacy and overshadowing to Nos. 6 and 10 Abbey Wood Lane.

The proposal is for the construction of a part single, part two storey rear extension with a depth of 5.19m and 3m respectively.

The 5.19m deep ground floor rear extension would be set off the boundary on either side. The crowned roof would have an eaves height of approximately 2.8m rising to an overall height of 3.37m.

An overall projection beyond the rear elevation of No.6 of approximately 2.19m is not unusual and is envisaged within guidelines as acceptable when considering the impact of a 4m deep extension on the boundary with a neighbour that has not previously extended.

The depth and height of the ground floor rear extension would be mitigated by the separation distance to the boundary on either side, by the neighbouring dwelling at No.8 projecting further back into the plot and by the space created by the shared side access between Nos.8 and 10 Abbey Wood Lane.

Furthermore, the overall height of the roof would be minimised due to its hip roof design.

Taking the above into considered, it is considered that the proposed ground floor rear extension would not unacceptably impact on the amenity of the adjacent neighbours.

The proposed first floor rear extension would have a 3m deep. An equivalent degree of amenity should be secured for the neighbouring dwelling on the non-attached boundary both in terms of the existing house and rear garden and in terms of the ability to build an extension in line with this SPD.

It is noted that No.6 Abbey Wood Lane has two flank windows facing the application site and to where the proposed single/two storey extensions is being proposed which has been confirmed by the planning officer following a site visit. Also, there are two oriel styles windows which have been blocked up internally as advised by the resident.

The SPD outlines that:

"Side extensions will not be permitted where they break a 45 degree line taken from the sill of the window of a primary original window serving a habitable room on the side wall of an adjoining house. This is to ensure that the proposed side extension does not result in undue loss of sunlight or daylight to the affected habitable room of the adjoining property.

In cases where neighbouring properties have been previously extended to the side with extensions incorporating primary flank windows to habitable rooms, each application will be determined on its particular merits but with generally less weight being afforded to any loss of light or other amenity arising from the development."

The original plan for this dwelling showed the two oriel windows to the front, one either side of the chimney stack and one in the middle for bedroom. The original bedroom has been merged into the lounge resulting in this window being a secondary light source. The flank window to the rear is not an original window but there is another window to this room facing the garden, resulting in the window being a secondary light source.

The two flank windows would be deemed to be secondary light sources, as additional light is provided from the front and rear elevations of the neighbouring dwelling and therefore less weight would be applied to the impact on these flank windows.

The proposed block plan on drawing 2349-MRD-P-2010-C indicates that the first floor rear extension would not project beyond the rear wall of No.6 Abbey Wood Lane.

As a result, it is considered that the proposed part single, part two storey rear extension would not unacceptably impact on the amenity of the adjacent neighbours at No.6 Abbey Wood Lane.

No.10 Abbey Wood Lane is separated from the application dwelling by the shared side access which is approximately 2.74m wide. The rear building line of this neighbouring properties aligns with

the application dwelling.

It is noted the proposed first floor rear extension would infringe upon a notional line taken from the centre of the shared drive with No.10 at first floor level created by a 2m separation distance and the 3m depth of the extension. However, if the notional line was taken from the corner of the neighbouring property at No.10, the notional line would not infringe the proposal.

Furthermore, the nearest window at first floor level serves a bathroom which is a non-habitable room. The bedroom window would be located on the opposite side of the rear elevation adjacent to No.12 Abbey Wood Lane.

It is considered that the proposal would not result in any undue overlooking or loss of privacy above existing conditions, particularly as the first floor windows of the application dwelling and the neighbouring properties already overlook the rear garden areas of surrounding residential properties.

Given these circumstances and mindful of the general presumption in favour of development, it is considered any impact upon the adjacent neighbours to be modest and within that envisaged as acceptable within guidelines.

To safeguard the privacy of the adjoining neighbours, two conditions have been imposed to ensure that no openings will be added to side of the proposed extensions or that the flat roof of the rear extension would not be used as a balcony, roof garden or similar amenity area, unless specific permission is obtained in writing from the Local Planning Authority.

In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

HIGHWAY/PARKING

The application site is within a PTAL area of 1b. As per Policy 24 of the Havering Local Plan for a site within PTAL 0 - 1 that has 3 plus bedrooms, the site needs to provide a minimum parking provision of up to 1.5 spaces per dwelling. Photographic evidence shows that parking is provided within the garage and to the side of the dwelling. It is considered that it would be difficult to substantiate a refusal on parking, mindful of the current arrangement.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be in accordance with the above-mentioned policies and guidance and 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 wall(s) of the building(s) 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.

5 SC48 (Balcony condition)

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

In the interests of the amenity of the occupiers of neighbouring dwelling.

INFORMATIVES

1 Party Wall

Party Wall Informative

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>

2 Approval following revision

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 Mr Ryait (Agent) by phone and e-mail. The revisions involved removing annotations in respect to the works for the certificate of lawfulness to the front which are separate to this application and also reference to windows being removed. Furthermore, the submitted photos indicated that the whole of the existing ground floor rear extension was demolished but the plans did not reflect this. The agent updated the plans and a re-consultation was not required as these changes were sought for clarity. The amendments were subsequently submitted on 02/07/24 & 03/07/24.

Authorising Officer:



Raphael Adenegan

8th July 2024