

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0562.24

WARD: Elm Park **Date Received:** 19th April 2024

ADDRESS: Garage to the rear of 2C and 2D Woburn Avenue
Hornchurch

PROPOSAL: Redevelopment of the existing garage for the provision of one new home.

DRAWING NO(S): 646.100.PL.01
646.200.PL.01
646.100.PL.02
646.100.PL.06
646.100.PL.04
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646.100.PL.05
646.200.PL.02

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

SITE DESCRIPTION

The site is located on the Woburn Avenue in Hornchurch. The site contains a single storey detached timber garage. There are single and two storey detached, semi-detached and terraced dwellings in the vicinity of the site. The site is located within a predominantly residential area.

DESCRIPTION OF PROPOSAL

The applicant seeks planning permission to demolish the existing detached garage to the rear of the site; to erect a new dwellinghouse, part single, part two-storey, to adjoin the side of No.51 Edmund Road with associated boundary treatment, cycle parking, car parking, and bin store.

The proposed new dwelling house would benefit from 2 bedrooms for up to 3 occupants.

The proposed new dwellinghouse would have a width of approximately 5.7m, a depth of approximately 8.3m at ground floor level and 4.5m at first floor level, and a total height of 6.5m.

The proposal would have a cumulative total floor area of 72.6m².

The proposed new dwelling would mirror the design and external finishes of the neighbouring dwelling, although markedly narrower, benefiting from a hipped roof design, facing brickwork,

render, pebble dash, roof tiles, and white uPVC fenestration and doors to match the existing.

Dimensions / scale

Dimensions of the proposed dwelling: Width 5.7m - 4.5m, Depth 8.3m, Height 6.5m.

Design

The subject proposal's principal elevation would match the design features of the neighbouring dwelling.

On-Site Parking Arrangements

The subject proposal would benefit from x1 on-site car parking spaces to the front of the site, which would be accessed via Woburn Avenue.

Bedrooms

The subject proposal would have two bedrooms at first-floor level.

RELEVANT HISTORY

Ref: E0018.17I Use as a studio flat for in excess of four years; PP not required 15/11/17.

Ref: P1902.22; Dividing partition fences between the outdoor amenity spaces of 2C and 2D Woburn Avenue, including a shared alley way to the access point; Approved with conditions; 23/01/23.

Ref: E0034.19; Continued uninterrupted use as a 1no. self contained flat for more than 4 years; PP not required; 19/11/19.

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were invited to comment through direct notification. 3 comments were received.

The development would not be in keeping with the character of the area.

The development would lead to overcrowding

The increase in residents would lead to an increase in noise.

In addition to the above, the following comments have been made by consultees:

Waste & Recycling

Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Woburn Avenue on the scheduled collection day.

Public Protection Department

Under P1906.22, the public protection department had no comment to make on noise matters. However, it was outlined that the site is located within the 250m Landfill Buffer Zone, a refusal was recommended unless conditions are imposed regarding contamination and Ultra-Low NOx boilers if minded to grant planning permission.

Naming and Numbering

This application will require to be Street Named and Numbered, therefore please advise the applicant to go to: Apply for street names and numbering | Search for local land charges | The

London Borough of Havering.

The Environment Agency
No comments

The Emergency Planning Department
No comments

Anglian Water Authority
No comments.

London Fire Brigade Water Team
No objections to the proposed works.

London Fire Brigade
No comments or objections. It should be ensured that if any material amendments to this consultation is proposed, a further consultation may be required.

Highways
No objections to the proposal.

Essex and Suffolk Water
No comments.

Thames Water Dev. Control
No comments.

Environmental Health
No objections, however, suggest a standard condition for low nox boilers and EVC provision.

The Greater London Archaeology Advisory Service
No comments.

Historic England
Historic England was not consulted for the subject proposal.

RELEVANT POLICIES

The following planning policies are material considerations for the assessment of the application:
National Planning Policy Framework (2023)

The National Planning Policy Framework (NPPF) sets out Government planning policies for England and how these should be applied. Themes relevant to this proposal are:

- Chapter 2 - Achieving sustainable development.
- Chapter 5 - Delivering a sufficient supply of homes.
- Chapter 12 - Achieving well-designed places.
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change.

London Plan 2021

- D1 London's form, character and capacity for growth.
- D4 Delivering good design.
- D5 Inclusive design
- D6 Housing quality and standards
- H1 increasing housing supply.
- H2 Small sites.
- H10 Housing size mix.
- SI 12 Flood risk management.
- T6 Car parking
- T6.1 Residential parking
- T9 Funding transport infrastructure through planning.

Havering Local Plan 2016-2031

- 3 - Housing supply
- 5 - Housing mix
- 7 - Residential design and amenity
- 10 - Garden and backland development
- 23 - Transport connections
- 24 - Parking provision and design
- 26 - Urban design
- 27 Landscaping
- 32 - Flood management
- 33 Air quality
- 34 - Managing pollution
- 35 On-site waste management

The Havering Community Infrastructure Levy Charging Schedule Havering Supplementary Planning Documents (SPDs)

Aspects of the following documents apply to the proposed development though need to be read in combination with newer mayoral guidance:
Residential Extensions and Alterations 2011

MAYORAL CIL IMPLICATIONS

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The Mayoral CIL levy rate for Havering is £25/sqm and is chargeable for each additional square metre of residential gross internal (GIA). Based upon the information supplied with the application, £1815 would be payable, due to result in a new residential property with 72.6sqm of GIA.

In addition, the proposal is liable for Havering Council's CIL. The Havering's CIL charging rate is £125sqm for each additional square metre of GIA. Based upon the information supplied with the application, £9075 would be payable.

The charges outlined above are levied under s.206 of the Planning Act 2008. CIL is payable within 60 days of commencement of development.

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. In determining this application, photos, Google Street View, aerial view images and submitted drawings were used. The application proposes a new residential dwelling.

The main planning issues raised by the subject application relate to the principle of development, density & site layout, visual amenity, residential amenity, highway safety, flood risk, archaeology.

PRINCIPLE OF DEVELOPMENT

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 modest 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 the officers report the proposed development is unacceptable in regard to its resultant design, visual impacts, impacts on neighbouring amenity and quality of living accommodation - 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

INTERNAL SPACE STANDARDS

Policy 7 (Residential design and amenity) of the Havering Local Plan states that: "To ensure a high quality living environment for residents of new developments, the Council will support residential developments that: iv. Meet the National Space Standards and the London Plan requirement for floor to ceiling heights."

Policy D6 of the London Plan states that Housing development should be of high quality design and provide adequately sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1. Housing developments are required to meet the minimum standards below which apply to all tenures and all residential accommodation that is self-contained.

Policy D6 outlines that a two-storey 2b3p dwelling should benefit from an internal total floor area of 70m². The proposed dwelling is considered suitable in this regard, with an area of 71m².

Policy D6 outlines that a dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. The proposed double bedroom would measure 3m (Depth) x 3.9m (Width).

In addition, Policy D6 states that a one bedspace single bedroom must have a floor area of at least 7.5m² and be at least 2.15m wide. The proposed single bedroom would have a floor area of 9.7m² and a width of 3.9m, which complies with this policy in this regard.

QUALITY OF INTERNAL SPACE

It is considered that the proposal, regardless of meeting internal space standards, would nevertheless offer a poor quality of residential accommodation. The layout is contrived in respect of the fenestration arrangement for bedroom 2. It relies on an oriel window arrangement with very limited degree of outlook to avoid loss of privacy and overlooking of neighbouring residential gardens. This creates a poor quality living environment. The main ground floor living area faces onto the rear boundary fence at a distance of no more than 3m. It is considered this would result in an oppressive living environment, with limited light and outlook to the main habitable room of this property.

EXTERNAL AMENITY SPACE

Policy D6 of the London Plan states that "Where there are no higher local standards in the borough

Development Plan Documents, a minimum of 5m² of private outdoor space should be provided for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m".

Given that the proposed dwelling would have up to three occupants, 6m² of private outdoor amenity space would be necessary. The proposed development would benefit from a total of 18m². Thus, it is considered that the proposed dwelling would have access to adequately sized private gardens. However, for the reasons set out above, the cramped depth of the garden area means that outlook and amenity is severely compromised.

The plans show a 1.8m high fence separating the gardens of the proposed and neighbouring properties.

Details of landscaping can be secured by condition if minded to grant planning permission.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal is a detached dwelling which is 2.5m from no.02 Woburn Avenue. The design is intended to mimic the external appearance of no.2, which includes hipped roof design and matching materials. However it is markedly narrower than the neighbouring housing, which is around 6.5m wide, compared to 4.5m wide at first floor for the proposed dwelling. The design of the proposed dwelling is contrived in order to fit within the plot and because of its relationship with nos. 2C and 2D, and appears materially out of keeping with the uniformity of the neighbouring terraced houses and unduly cramped within the plot. The proposed development is of a design and appearance that relates poorly to surrounding local character and further evidence of a cramped, overdevelopment of the site, contrary to Policy 26 of the Havering Local Plan and would therefore warrant a refusal.

IMPACT ON AMENITY

The proposed dwelling is located 2.6m from neighbouring no.2 Woburn Avenue and 12m from neighbouring no. 220 Elm Park Avenue. As such, the proposal would not be overbearing or lead to a loss of light to neighbouring properties.

The proposed development is designed not to lead to direct overlooking of neighbouring property, although this is by way of a contrived design that creates a poor quality living environment.

The proposed dwelling will however be sited close to the boundary with nos. 2C and 2D Woburn Avenue. These appear to be low quality, studio apartments, formed initially without planning permission. The layout of these properties is such that they are reliant on their south facing windows for light and outlook. The proposed development extends right up to the boundary with these properties, with a single storey parapet wall 2.5m high built up to the boundary and the first floor of the dwelling set in 1.5m from this boundary. The dwelling extends entirely across the rear boundary of flat D (it is set back from flat C). Given the limited depth of the garden areas of flats C & D, it is considered that the height, scale, bulk and mass of the proposed dwelling and its proximity and relationship to the rear boundary of the site, in particular flat D and, to a lesser extent, 218 Elm Park Avenue, gives rise to an overbearing, intrusive and unneighbourly form of development.

HIGHWAY/PARKING

Policy 24 of the Havering Local Plan 2016 - 2031 states that London Plan maximum standards apply across the borough.

Policy T6 of the London Plan states that the maximum car parking standards set out in Policy T6.1 Residential parking should be applied to development proposals and used to set local standards within Development Plans. Policy T6.1 of the London Plan states that there is a maximum residential parking standard of up to 0.75 spaces per 1-2 bedroom dwelling in Outer London PTAL 2-3.

The proposal benefits from one on site car parking space located along the front elevation. The parking space would consist of an area of hardstanding which measure 5.8m by 3.2m.

The proposed development is thus considered acceptable in terms of parking provision as it would adhere to Policy T6.1, and as such would not result in any notable harm to the safety or convenience of the local highway network.

CYCLE PARKING

The plans refer to secure cycle parking at the front of the proposed dwelling. Details of this will be secured by condition if minded to grant planning permission.

SERVICING

The plans show a bin store in the front garden of the proposed dwelling, this will be secured by a condition if minded to grant planning permission.

KEY ISSUES/CONCLUSIONS

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

RECOMMENDATION:

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

1 Refusal non standard

The proposal, by reason of its contrived design, in particular the uncharacteristic narrowness of the proposed dwelling and the extent of site coverage, would give rise to a cramped and visually intrusive form of development, which is materially out of keeping with the prevailing pattern of development in Woburn Avenue, giving rise to material harm to the character and visual amenity of the locality, contrary to the provisions of Policies 7 and 26 of the Havering Local Plan, as well as the provisions of the NPPF.

2 Refusal non standard

The proposal, by reason of lack of outlook from the bedroom owing to the obscure glazed oriel window, as well as the cramped garden depth and limited outlook from the main ground floor

habitable room windows, give rise to an oppressive and poor quality living environment for future occupiers of the proposed development, contrary to the provisions of Policies 7 and 26 of the Havering Local Plan, as well as the provisions of the NPPF.

3 Refusal non standard

The proposal, by reason of the height, bulk and mass of the proposed development, as well as its proximity to the northern boundary of the site give rise to an unneighbourly, intrusive and overbearing form of development, giving rise to material harm to the amenity of adjoining occupiers, in particular 2D Woburn Avenue and 218 Elm Park Avenue, contrary to the provisions of Policies 7 and 26 of the Havering Local Plan, as well as the provisions of the NPPF.

INFORMATIVES

1 Refusal - No negotiation ENTER DETAILS

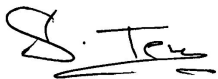
Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given the substantial conflict with adopted planning policy it was decided to proceed to determine the application as submitted.

2 Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London and Havering Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the Mayoral CIL payable would be £1815 based on the calculation of 72.6 sq.m. at £25.00 per square metre and the Havering Community Infrastructure Levy (HCIL) would be a charge of £9075 based on calculation of 72.6 sqm at £125 per square metre. Each would be subject to indexation.

Further details with regard to CIL are available from the Council's website.

Authorising Officer:



Suzanne Terry

23rd July 2024