

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0832.24

WARD: Mawneys **Date Received:** 13th June 2024

ADDRESS: 370 MAWNEY ROAD
ROMFORD

PROPOSAL: Replacement of garage with new dwellinghouse

DRAWING NO(S): 01 C
04 C
05 C
06 C
07 C
08 C
09 C
10 C

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 hosts a two-storey end-of-terrace dwelling with an attached garage and a detached garage at the end of the garden. It is located at a junction with Percy Road. The street is characterised by two-storey dwellings of different styles and designs.

The host property is neither in a conservation area nor a listed building. The application site is in Landfill Gas Buffer Zone and Flood Zone 2.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a single-storey, 1-bedroom detached dwelling with associated amenity space and parking.

Two planning applications have been previously refused for the erection of a two-storey, 3-bed, terraced dwelling with associated parking and amenity space involving demolition of the existing garage and a single-storey rear extension to the existing dwelling (planning references: P0125.23 & P0574.23). The reason for refusal was:

The proposed new dwelling by reason of the additional scale, bulk and mass of the proposal in close proximity to the boundary of boundary and the prominent corner location would appear as a

visually intrusive and overbearing feature, resulting in a cramped appearance and over-development detrimental to the visual amenity of the locality contrary and 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 and 26 of the Local Plan.

One planning application has been recently refused for a single-storey, 1-bedroom detached dwelling with associated amenity space and parking (planning reference: P1213.23) which was refused for the following reasons:

1 Reason for refusal - Streetscene

The bulk, scale and mass of the proposed development in close proximity to the boundaries, on a prominent corner location, would appear as an unneighbourly cramped overdevelopment of the site, incongruous with the local pattern of development and out of character with the surrounding built form, therefore harmful to local character and detrimental to neighbouring residential amenity, contrary to Policies 7, 10 and 26 of the Havering Local Plan 2021 and Policies D4 and D6 of the London Plan 2021.

2 Reason for refusal - Living environment

The constraints of the site in conjunction with the design approach adopted would be to the detriment of the amenity of future occupiers. The proposal would lead to poor quality outlook from habitable rooms, low ceiling heights and close proximity to an electrical sub-station to the detriment of the future occupiers, contrary to the aims of Policies 7, 10 and 26 of the Havering Local Plan 2021 and Policies D4 and D6 of the London Plan 2021.

3 Reason for refusal - Relationship to surroundings

The proposed development would by reason of its bulk, mass and scale on a constrained site within close proximity of the boundaries result in an visually intrusive form of development that would compromise the amenity of nearby habitable rooms and the enjoyment of the neighbours private outdoor spaces due to the increased sense of enclosure created by the proposal, contrary to Policies 7, 10 and 26 of the Havering Local Plan 2021 and Policies D4 and D6 of the London Plan 2021.

RELEVANT HISTORY

P0604.24	Single storey, 1-bed, detached dwelling with associated parking and amenity space, involving demolition of existing garage Withdrawn - Invalid 05-06-2024
P0020.24	Single storey, 1-bed, detached dwelling with associated parking and amenity space, involving demolition of existing garage Withdrawn - Invalid 12-02-2024
P1213.23	Single storey, 1-bed, detached dwelling with associated parking and amenity space, involving demolition of existing garage Refuse 23-10-2023
P0947.23	Single storey, 1-bed, detached dwelling with associated parking and amenity space, involving demolition of existing garage Withdrawn - Invalid 25-07-2023

P0574.23	Two storey, 3-bed, terraced dwelling with associated parking and amenity space, involving demolition of existing garage and single storey rear extension to existing dwelling	Refuse	12-06-2023
P0392.23	Single storey, 1-bed, detached dwelling with associated parking and amenity space, involving demolition of existing garage	Withdrawn - Invalid	18-04-2023
P0125.23	Two storey, 3-bed, terraced dwelling with associated parking and amenity space, involving demolition of existing garage and single storey rear extension to existing dwelling	Refuse	23-03-2023
P1969.22	Two storey, 3-bed, terraced dwelling with associated parking and amenity space, involving demolition of existing garage and single storey rear extension to existing dwelling	Withdrawn - Invalid	19-01-2023

CONSULTATIONS/REPRESENTATIONS

Adjoining occupiers were consulted by way of direct notification; a local councillor has 'called-in' the application so if a recommendation for approval is made, the application would have to be presented to the planning committee. Also 7 objections received with the following comments:

- The main house is being used as a HMO.
- Noise and disturbance.
- Anti-social behaviour.
- Tree removed from garden.
- Overlooking and loss of light.
- Cramped into the plot.
- Out of character.
- Impact on power substation.
- Impact on parking and highway safety in an already problematic area.
- Strain on utilities.
- Another application was already refused last year.

Careful consideration has been made during the course of this planning application to assess the impact on the street scene, amenity of nearby neighbours, amenity of proposed residents and impact on parking. This application does not relate to the alleged use of the main house as a HMO. The impact on utilities, such as drainage etc., is not a material planning consideration.

In addition the following comments were made by other consultees:

LBH Highway Authority - It is requested that the applicant provides visibility splay drawings to ensure that adequate visibility splays are achieved and a new dropped kerb will be required and a detailed plan should be provided to ensure that this meets the requirements of the vehicle crossover policy.

LBH Environmental Health - No objection subject to conditions.
Street Naming and Numbering - applicant needs to apply.
LBH Waste/Recycling (Streetcare) - No objection.
Fire Brigade (Hydrants/Access) - No objection.
Anglian Water - Applicant should check for Anglian Water assets.
Historic England - Recommend No Archaeological Requirement.
UK Power Network- commented on the previous refused applications; guidance states that any proposal should be kept at a minimum of 7m distance.

The application site is within a Landfill Gas Buffer Zone and therefore should permission be granted on appeal a condition would be necessary to safeguard the future occupants and workers on site.

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

NPPF

MAYORAL CIL IMPLICATIONS

Contributions would be required under CIL regulations. The proposal would add 60 square metres. An existing detached garage with an area of 18.5 square metres would be demolished so the total new floor area would be 41.5 square metres.

This would translate to a Mayoral CIL (MCIL2) contribution of £1037.50 / (41.5 x £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 £5187.50 (41.5 x £125 per sqm).

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. This will be explored in the conclusion of this report as requires further 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. For the reasons outlined within the officers report the proposed development is unacceptable, 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 broadly comparable to earlier iterations. 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 gross internal floor area of the unit would be 60 square metres and meets the standards of Policy D6 which has a minimum area of 50 square metres for a single-storey, 1-bedroom / 2-person unit. The bedroom size would be 15 square metres and meets the standards of Policy D6.

However, the habitable rooms would not have a reasonable outlook; the bedroom and dining / living area to the rear would face fencing less than 5m away.

There would be a private amenity space of around 60 square metres for the new dwelling; the size is considered acceptable but it would only be 5m deep creating a sense of enclosure to both the rear garden and the windows of the new dwelling on this elevation.

The building would have an external height of 2.75m with a low eaves height of 2.45m; the minimum floor to ceiling height must be 2.5m for at least 75% of the gross internal floor area. This appears unlikely to be met. Drawing 08 Rev C shows an internal ceiling height of around 2.3m.

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 dwelling would be single-storey and would not relate to the surrounding street scene which is characterised by 2-storey semi-detached and terraced dwellings. A detached single-storey dwelling would appear out of place and the staggered design and close proximity to the boundaries proves that it is a cramped building leading to overdevelopment of this site. It is acknowledged that the dwelling would replace an existing detached garage but the scale, massing and height would be much greater. The development would appear cramped on this prominent corner location on the corner of Mawney Road and Percy Road. The proposal would set a harmful precedent for infilling other similar undeveloped areas present throughout the locality which would erode from and diminish the local character. The creation of a shorter rear garden at the host dwelling would appear out of place in the context of ample-sized rear gardens nearby. The dwelling would be over 9m from the front building line of the house next to the site at no.108 Percy Road; it is acknowledged that the dwelling would replace an existing detached garage but the scale and massing would be much greater.

It is acknowledged that the height has been reduced from a 4m high pitched roof in the previously refused application (planning reference: P1213.23) to a 2.75m high flat roof but the scheme would still be unacceptable for the reasons outlined above.

The proposed dwelling by reason of the scale, bulk and siting on a prominent position within the street scene would give rise to a cramped appearance and over-development harmful to the open and spacious character of the street scene contrary to Policy 7 and the Residential Extensions and Alterations SPD and London Plan

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.

There would be a very small spacing to the boundary with the host dwelling at no.370 but the reduction of height from 4m with a pitched roof to 2.75m with a flat roof would ensure that the building would no longer cause a sense of enclosure and lead to loss of amenity to this property and

garden. Similarly, the limited height of the building and distance from neighbouring windows at no.372 would no longer cause a sense of enclosure or overlooking and lead to loss of amenity to this property and garden.

The dwelling would be over 9m from the front building line of the house next to the site at no.108 Percy Road; it is acknowledged that the dwelling would replace an existing detached garage but the scale, massing and height would be much greater. In this instance, the separation distance of nearly 5m to the boundary with no.108 Percy Road would mitigate any impact on their amenity.

Concerns have been raised from UK Power Network in the previous refused applications and guidance states that any proposal should be kept at a minimum of 7m distance. Transformers emit a low level hum and vibration which can cause annoyance to nearby properties. The new dwelling would be only 2.6m from the sub-station, creating poor living conditions for future occupiers.

As already mentioned earlier in this report, the new dwelling would create poor living conditions for future occupiers due to poor outlook and a likely low ceiling height.

HIGHWAY/PARKING

CAR PARKING

The site has a Public Transport Accessibility Level (PTAL) rating of 1b which translates to poor access to public transport. The London Plan 'Policy T6 Car parking' Table 10.3 identifies that a 1 bedroom dwelling in Outer London should have 0.5 spaces per dwelling for PTAL 0-1 areas. There is one car parking space shown on the plans for the new dwelling. There would be the loss of one car parking space in the existing detached garage on the site for the host dwelling but the existing front of the site is hard standing to accommodate space for two cars.

CYCLE PARKING AND BIN STORAGE

The Development Plan as a whole (the NPPF, LP and the HCS) supports development that promotes more sustainable modes of transport; such as walking and cycling. Cycle storage has been provided for the new dwelling in this application, however it should be a lockable, enclosed unit rather than a rack on a wall. There is space for bins to the front of the dwelling.

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 bulk, scale and mass of the proposed development in close proximity to the boundaries, on a prominent corner location, would appear as an unneighbourly cramped overdevelopment of the site, incongruous with the local pattern of development and out of character with the surrounding built form, therefore harmful to local character and detrimental to neighbouring residential amenity, contrary to Policies 7, 10 and 26 of the Havering Local Plan 2021 and Policies D4 and D6 of the London Plan 2021.

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INFORMATIVES

1 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 CIL payable would be £6225. Further details with regard to CIL are available from the Council's website.

2 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.

Authorising Officer:

Habib Neshat

Habib Neshat

12th August 2024