

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0946.24

WARD: Emerson Park **Date Received:** 5th July 2024

ADDRESS: 8 Fairlawns Close
Hornchurch

PROPOSAL: Erection of one, three storey 5xbed dwelling including habitable loft space with front/rear dormers and conversion of existing garage to habitable space following demolition of existing dwelling

DRAWING NO(S): 2923_PL101
2923_PL106B
2923_PL107.1C
2923_PL107.2D
2923_PL107.3D
2923_PL108C
2923_PL111C
2923_PL112
2923_PL109.1D
2923_PL109D

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 comprises an existing detached dwelling and is located within Sector 6 of the Emerson Park Policy Area. The existing dwelling is a single storey building with a high pitched roof, and accommodation contained within the roof space, supported by dormer roof extensions. The site includes a garage and outdoor swimming pool to the rear.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the demolition of the existing dwelling and the construction of one, 3-storey 5-bedroom dwelling including habitable loft space with front/rear dormers and the conversion of existing detached garage to habitable space.

This is a re-submission of an application approved in 2012 (planning reference: P1196.12). The changes are:

- a change to the internal layout.

- the omission of the integral garage.
- new flank first floor windows.
- two smaller rear dormers rather than one larger one.
- larger rear extension.

RELEVANT HISTORY

P0706.24	Variation of condition No. 2 (Approved Plans) of planning permission P1196.12 dated 08/04/2013 (Construction of a new 3 Storey 5 Bedroom Dwelling)
	Withdrawn 03-07-2024
Q0077.16	Construction of a new 3 storey 5 bedroom dwelling. P1196.12 Conditions(s) 1,2,3,4,5,6,7,8,9,10,11,12 & 13
	Awaiting Decision
P1196.12	Construction of a new 3 storey 5 bedroom dwelling
	Apprv with cons 08-04-2013
P1181.12	Construction of a new 3 storey 5 bedroom dwelling.
	THIS WAS A DUPLICATE APPLICATION - PLEASE SEE P1196.12
	Withdrawn - Invalid 30-10-2012
P0886.09	Demolition of existing 2 no detached dwellings and construction of 3No. 4 bedroom detached dwellings
	Refuse 17-08-2009
P1189.08	Demolition of existing properties and construction of 3 no. five bedroom dwellings
	Refuse 14-08-2008
P0117.08	Demolition of existing properties and construction of 3No. 5 bedroom detached dwellings
	Refuse 17-03-2008
P0859.05	Construction of a new 5 bedroom detached house
	Refuse 28-06-2005

CONSULTATIONS/REPRESENTATIONS

Surrounding neighbours were notified of the proposal and one objections has been received stating that the extent of building to the rear is too much / overdevelopment.

Consultation responses:

- Street naming and numbering - applicant needs to apply.
- London Fire Brigade and Hydrant officer - no objection.
- Highways - no objection.
- Waste - standard guidance no objection.

- Public Protection - no comments received.
- LBH Arboriculture Advisor - no objections subject to conditions.

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

Havering Householder Extensions and Alterations Supplementary Planning Document

MAYORAL CIL IMPLICATIONS

The proposals would incur a Mayoral and Havering CIL contributions of £5050 and £25,250 based on 202 sqm of additional floor space (the new dwelling would have a floor space of 366 sqm minus the floor space of the demolished dwelling: 164 sqm). Mayoral CIL is charged at a rate of £25 per sqm and Havering £125/sqm.

Each contribution would be subject to indexation.

STAFF COMMENTS

The proposal would be assessed against the relevant policies and legislation to consider the principle of development, density and layout, street scene impacts, garden scene impacts, amenity impacts, parking, access and serviceability.

A site visit was not necessary and photos provided by the agent and satellite imagery were sufficient for the purposes of this assessment.

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.

In addition to the above, the Housing Delivery Test results are a material 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 proposed development would offer a small contribution to housing supply and delivery and this would weigh in favour of the development.

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 366 square metres and meets the standards of Policy D6.

The bedroom sizes meets the standards of Policy D6.

The habitable rooms would have a reasonable outlook and the dwelling would be dual aspect.

The proposal would have approximately 235sqm of amenity space to the rear, along with space to the front, which in sum, would be comparable to the amenity space provision at neighbouring properties.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The Council recognises that much of the borough is suburban, characterised by spaciouly set up neighbourhoods with large private gardens. Intensification of these areas by development on gardens or backland may provide valuable sources for housing. Development of such sites can be difficult as there are often a number of constraints. They require sensitive development and high quality design to ensure that the character of the area and the quality of life of existing and future residents is maintained

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.

Policy 10 of the Havering Local Plan 2016-2031 (HLP) is relevant as it states that 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. Policy 10 would need to be taken in conjunction with Policies 7 and 26 of the HLP which require fundamentally that residential development be of high quality design. Therefore compliance with the criteria of Policy 10 as set out in the preceding section of this report is not of itself justification for approval.

The Framework 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.

The proposed dwelling would be a detached, two storey building including accommodation in its hipped roof with dormer extensions to the front and rear. The proposal would have a ridge height of approximately 8.5m, which would be comparable to neighbouring properties. In this area of Emerson Park, the proposal would have an average size of frontage, and would have an appearance, including a hipped-feature frontage and brick finishes, that would be broadly similar to

neighbouring properties, but sufficiently different to contribute to the architectural variety required by the Emerson Park SPD. The plans are largely the same as approved in 2012 (planning reference: P1196.12); the omission of the integral garage, new flank first floor windows, two smaller rear dormers rather than one larger one and a slightly larger rear extension would have minimal impact on the appearance of the street scene.

Therefore the proposed development would reflect the prevailing pattern of development in the area and would not appear unacceptably dominant, visually intrusive or result in a cramped form of development. There is similar development nearby at Clematis Close. Accordingly it would respond to the local patterns of development and in accordance of Policy 7, 10 and 26 of the Local Plan.

IMPACT ON AMENITY

The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy 7 reinforces these requirements by stating that 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.

The nearest neighbouring dwellings to the west would be located approximately 50m away, and to the east, approximately 27m away. The adjoining dwellings, to the north and south, would be located between 1-2m from the proposal. The proposed dwelling would be located approximately 17m from the rear boundary fence shared with the properties to the west. It is considered that the depth of the proposal would be not be detrimental to the amenities of the occupiers of no.10 Fairlawns Close, immediately to the south, as the aspect of the proposal projecting beyond the rear elevation of this property would comprise an existing structure, currently in use as a garage. The depth of the proposal would have a more significant impact on the property at no.6, which is located immediately to the north. At ground floor level, the proposal would extend just under 4m beyond the rear elevation of this neighbouring property, with a separation distance of approximately 2m meeting SPD guidance. At first floor level this is reduced to around 1.75m. On balance, it is considered that the depth of the proposal would not result in any significant adverse impacts on the amenities of the occupiers of no.6, given the dimensions involved and that no.6 is a dwelling of significant breadth, which the proposal would only relate to a very small portion of.

The plans are largely the same as approved in 2012 (planning reference: P1196.12); the omission of the integral garage, new flank first floor windows, two smaller rear dormers rather than one larger one and a slightly larger rear extension would have minimal impact on the amenity of both neighbouring dwellings.

Given the siting and scale of the proposal in relation to existing properties, including its orientation and the proposed separation distances, it is considered that it would not result in any significant adverse impacts on the amenities of neighbouring occupiers, in terms of overlooking, loss of natural light, or loss of outlook, subject to conditions ensuring that flank windows are obscure glazed and fixed shut 1.7m above the internal floor level.

It is therefore considered that the proposal would not be unneighbourly.

HIGHWAY/PARKING

Parking provision and matters of highway consideration are represented in Policy T6.1 of London Plan (Adopted 2021) The PTAL rating for the site is 1a. As per Policy T6.1 of the London Plan, two parking spaces are required which is met.

Cycle storage and bin storage is not shown on the plans but they are capable of being provided on the site in accordance with the London Plan and can be secured by condition if minded to approve.

TREES

The application site is covered by a Tree Preservation Order which covers trees within the site.

No Arboricultural statement was provided with the application as the footprint of the proposed dwelling would not be in close proximity to trees.

The Council's Arboricultural Advisor has suggested non-dischargeable conditions for the protection of trees.

KEY ISSUES/CONCLUSIONS

Approval is recommended accordingly.

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 SC10A (Matching materials & samples) (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until details of the external finishing materials, which shall match those of the existing buildings are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will 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 SC06 (Parking provision)

Before the dwelling hereby permitted is first occupied, car parking provision as for at least two cars shall be laid out and retained permanently thereafter and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety.

5 SC45A (Removal of permitted development rights)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Order) or any other order replacing or amending the said Order other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development.

6 SC13B (Boundary treatment) (Pre Commencement)

Prior to the occupation of the dwelling hereby permitted the boundary treatment shall be carried out in accordance with the approved drawings and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

To protect the visual amenities of the development and prevent undue overlooking of adjoining property.

7 SC58 (Refuse and recycling)

No building shall be occupied or use commenced until refuse and recycling facilities are

provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally.

8 SC59 (Cycle Storage)

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

9 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.

10 SC34C (obscure/non-opening & 1.7m above ground level).

The windows inserted on the first floor flank walls shall be obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason - In the interest of privacy and to protect the amenity of the adjacent neighbours

11 SC62 (Hours of construction)

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours

of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

To protect residential amenity.

12 SC86 Minor Space Standards

All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy 7 of the Havering Local Plan and Policy D7 of the London Plan.

13 SC87 Water Efficiency

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy SI 5 of the London Plan.

14 Hard Surface Porus/Run-off - application site

All hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.

Reason:-

In order to ensure no water run-off from the hard surface which would contribute to risk of flooding.

15 Building Emissions

The development hereby approved shall be fitted with Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boilers shall be carried out in strict accordance with these details and shall thereafter be permanently retained.

Reason: To minimise the impact of building emissions on local air quality.

16 Electric Vehicle Parking Active/passive provision required

All residential parking spaces within the development hereby approved shall include provision of infrastructure for electric or Ultra-Low Emission vehicles, of which a minimum of 1 space shall have active charging facilities, with passive provision for all remaining spaces. Such provision is to be made prior to the first occupation of the dwelling hereby permitted.

Reason: Provision prior to first occupation of the proposed dwellings hereby permitted will ensure that the development adequately incorporates measures to allow the use of electric

vehicles by future occupiers in accordance with Policy T6.1 of the London Plan.

17 Non Standard Condition 31

During construction of the development hereby permitted, the trees located at 8 Fairlawns Close, Hornchurch shall not be lopped or felled without the written consent of the local planning authority.

Reason: In order to maintain the existing vegetation at the site, which makes an important contribution to the character of the area, and to accord with Policy 27 of the Council's Local Plan.

18 Non Standard Condition 31

During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.

Reason: In order to maintain the existing vegetation at the site, which makes an important contribution to the character of the area, and to accord with Policy 27 of the Council's Local Plan.

INFORMATIVES

1 Highways Informatives

Changes to the public highway (including permanent or temporary access)

- Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

- The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

- The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence from the Council. If

the developer required scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

Surface water management

- The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

2 Noise Informative

Informative:

The internal layout of dwelling to be designed, as far as practicable, so that in general the more sensitive living areas, in particular bedrooms are located on facades facing away from the noise source.

Double-glazing 6mm.12mm.6mm with opening provided with pressure seals in either hardwood or UPVC frames, with acoustically treated trickle ventilators.

A ventilation system that will involve ducting air through the houses, with fresh air obtained either through sound insulated air inlets or from inlets on the quieter side of the buildings.

3 Land Ownership Informative

The applicant is advised that this planning permission does not give consent for any part of the development including guttering and fascias to encroach onto any land not within the applicant's ownership.

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Surface water management

- The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

5 Approval and CIL

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The Mayoral CIL levy rate for Havering is £25/m² and Havering's CIL charging rate for residential is £125m² (Zone A) for each additional square metre of GIA. Based upon the information supplied with the application, contributions of £5050 and £25,250 would be payable based on 202 sqm of additional floor space, however this may be adjusted subject to indexation.

These charges are levied under s.206 of the Planning Act 2008. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website. You are also advised to visit the planning portal website where you can download the appropriate document templates at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

6 Fee Informative

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed. These fees may change depending on the time of submission.

7 Street Naming and Numbering

Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

8 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>

9 Approval - No negotiation required

Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework.

Authorising Officer:



Raphael Adenegan

16th September 2024