

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1069.24

WARD: Upminster **Date Received:** 30th July 2024

ADDRESS: 36 Argyle Gardens
Upminster

PROPOSAL: Retrospective planning application for proposed outbuilding at rear of garden

DRAWING NO(S): 01
02
03
04

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 features a two storey semi-detached dwelling. It is not a listed building and is not located in a conservation area.

DESCRIPTION OF PROPOSAL

Retrospective planning permission is sought for a rear outbuilding.

1. The outbuilding measures a maximum of approximately 8.3m wide, 10.4m deep at its maximum point and 2.6m high.

RELEVANT HISTORY

* L/HAV/658/77 - Dining Room Hall & Shower Room (Approved)

D0426.21 Certificate of Lawfulness for construction of a single storey outbuilding with swimming pool, plant room and WC

PP not required 16-09-2021

P1153.21 Part two storey, part single storey rear extension, two storey side and front extension to include conversion of garage to habitable space. Loft conversion with rear dormer and 2 front roof lights

Apprv with cons 25-08-2021

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupants were consulted regarding this application. No comments or objections were received.

The following consultees below were also consulted about the application:

- * LBH Public Protection - No response

RELEVANT POLICIES

- * NPPF

- * London Plan 2021

- Policy D1 - London's form, character and capacity for growth
- Policy D4 - Delivering good design
- Policy T6 - Car parking

- * Havering Council Local Plan (2016-31):

- Policy 7 (Residential design and amenity)
- Policy 24 (Parking provision and design)
- Policy 26 (Urban Design)

- * Residential Extensions and Alterations Supplementary Planning Document (SPD)

MAYORAL CIL IMPLICATIONS

The application is not CIL liable because the created by the development is less than 100 square metres.

STAFF COMMENTS

In accordance with the Council's current criteria for site visits, an in-person site visit was not undertaken as one was not deemed to be necessary. Site photos were provided by the agent in support of this application. In determining this Planning application, site photos received, Google Street View, aerial view images and submitted drawings were used to assess the site's constraints.

It is noted that the outbuilding is currently the subject of an enforcement investigation (reference: ENF/6/24). The issue under investigation is the alleged unauthorised change of use of the outbuilding to a separate residential unit. However the use of the outbuilding as a residential unit is not the subject of this application.

It is noted that the site plan on the drawing '01' submitted as part of the application indicates that the outbuilding in question is proposed. However, the outbuilding is in-situ and this application seeks retrospective planning consent for the outbuilding.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Regarding outbuildings, the SPD states that:

"The outbuilding should be subordinate in scale to the existing dwelling and to the plot. In assessing proposals, the Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment. As with all extensions, outbuildings should not detract from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling".

Paragraph 9.6 goes on to say:

"The design of outbuildings should reflect their intended use. Outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties".

Examination of the surrounding vicinity reveals that other rear outbuildings along the road are much smaller in scale in comparison to the proposal.

At over 10m deep at its maximum point, the outbuilding is much larger than other outbuildings along this road.

As such, it is considered that the outbuilding is excessively large and substantially out of scale within the plot in which it is located.

The outbuilding is deemed to be incongruous, dominant and intrusive within the rear garden environment and therefore detrimental to the open and verdant nature of the rear garden scene, harmful to the character and appearance of the surrounding area.

Consequently, the development is considered to be intrusive and out of scale with its surroundings.

IMPACT ON AMENITY

Consideration has been given to the impacts of the outbuilding on neighbouring amenity.

The submitted plans show that the outbuilding contains a garden room, kitchen and bathroom. Site photographs submitted by the agent shows that the 'garden room' area of the outbuilding contains a seating area. Given the extensive footprint the proposals present as a wall of development on the shared boundary with no. 34 at 2.6m high along approximately half of their rear garden, resulting in an unacceptable increase sense of enclosure and overbearing impact.

In an email to the case officer dated 6th August 2024, the agent stated that the development consisted of "a garden room with kitchen for preparing food a seating area with large doors opening

on to the garden and a bathroom. It also acts as an extended utility room whereby the household's laundry requirements are dealt with as opposed to the main dwelling. It's entire use is ancillary to the operation of the main Dwelling house. The outbuilding will be used by the applicant/occupiers and guests of the occupier. It will not be used as a residence or to accommodate overnight accommodation."

HIGHWAY/PARKING

No highway or parking issues arise as a result of the development.

KEY ISSUES/CONCLUSIONS

The development is considered to be contrary to the above-mentioned policies.

A REFUSAL is therefore recommended.

RECOMMENDATION:

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

1 Reason for refusal - Rear garden

The outbuilding, by reason of its bulk, scale, depth and proximity to shared boundaries, appears as an overly dominant, incongruous and visually intrusive feature in the rear garden environment and is therefore harmful to the character and appearance of the surrounding area and detrimental to the amenity of the adjoining occupiers at no.34, contrary to Local Plan Policy 7 and 26 and the Residential Extensions and Alterations Supplementary Planning Document.

INFORMATIVES

1 Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the agent Rosie Cotter via e-mail on 24/09/2024.

Authorising Officer:



Neil Goate

24th September 2024