

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0249.24

WARD: Cranham **Date Received:** 21st February 2024

ADDRESS: 82 SOMERSET GARDENS
HORNCHURCH

PROPOSAL: 1 bedroom self-contained annex including raised patio and access ramp (Retrospective) and proposed new boundary treatment

DRAWING NO(S): 05 REV. NO. D
06 REV. NO. D
07 REV. NO. D
08 REV. NO. D

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 of a two storey mid terraced dwelling with a rear garden backing onto an access to the rear of the site. Parking is provided at the front of the property.

The surrounding area is residential in character of two storey dwellings. The overall plot is neither listed, nor is it within a conservation area.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a 1 bedroom self-contained annex including raised patio and access ramp (Retrospective) and proposed new boundary treatment.

The annexe measures approximately 4.34m wide, 11.3m deep with a height of approximately 2.62m above the decking/patio and approximately 3m adjacent to No.84 above ground level which will vary due to the sloping ground level within the site.

The plans for the annexe shows to feature a means of one bedroom, w.c area with a kitchen / living area.

RELEVANT HISTORY

P1629.23	Proposed outbuilding.	
	Withdrawn	17-01-2024

CONSULTATIONS/REPRESENTATIONS

No representations were received in response to the initial neighbour consultation and also following the revised re-consultation to include the decking.

Public Protection has requested conditions be imposed in respect to contaminated land and the air source heat pump should the application be recommended for approval. Comment - the plans refer to a ground source heat pump - there is no PD requirement in respect of noise for ground source so a condition as requested would not be reasonable.

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 (HLP) (2016-2031)

Policy 7 (Residential design and amenity).

Policy 24 (Parking provision and design).

Policy 26 (Urban Design).

Policy 34 (Managing Pollution)

LDF

SPD04 - Residential Extensions & Alterations SPD

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

This application annexe is not CIL liable because the newly created floor space does not exceed 100 square metres.

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not undertaken initially. Site photos were provided by the agent in support of the application. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints. However, mindful that the proposal is an enforcement case, the planning officer visited the site. It was considered that the height of the boundary treatment was too low and changes were required. Neighbours were re-consulted for a further period of time due to the inclusion of a higher boundary fence adjacent to No.84 Somerset Gardens.

PRINCIPLE OF DEVELOPMENT

An annexe is either a building or part of a building associated with a dwelling that is either permanently, or capable of being permanently used for additional living accommodation, provided to give the occupier(s) of the annexe a degree of independence from the main household. There is no preclusion against annexes in policy terms, however the acceptability of an annexe is finely balanced. They are generally assessed on their own merits, proportionate to their intended use.

The Residential Extensions and Alterations SPD 2011 states that a residential annexe is defined as accommodation ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The annexe must form part of the same planning unit, sharing facilities, including access, parking and garden areas and in the event of approval, the Council would impose conditions or seek other measures to prevent an annexe from being occupied independently. On the face of it, the provision of an annexe in this location could be designed to embody those characteristics required by the SPD.

However the layout, design and physical relationship between the house and the proposed annexe are important considerations also, and the proposed annexe must demonstrate clear and tangible connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. In addition 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, Council guidance requires that outbuildings should not detract from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling.

DENSITY/SITE LAYOUT

The annexe would have a footprint, which is a matter for consideration given the relatively constrained nature of the rear garden environment. The proposed annexe would have a floor area of approximately 39.75m². It would feature all of the primary facilities which would be expected of a self-contained unit potentially. Combined with the fact that the building would not be land-locked and would be reasonably capable of being accessed independently of the main dwelling, there is concern that it could be used separately in the future.

In such circumstances, the Council could seek to impose planning conditions, and/or a legal agreement to prevent independent occupation however in the case of the current submission the design concept compounds concerns held.

The proposal would be built up to the boundary with No.80 Somerset Gardens and be set off the boundary with No.84 to allow access to the rear of the site.

The proposed annexe is shown as falling within the curtilage of the main dwelling and within the same ownership. It is not shown as a separate planning unit and would share the facilities and

services of the main dwelling. The principal aspect from the new building is over the rear garden to the main dwelling, to which it would have direct and immediate access. The new building would, therefore, be well related to the main dwelling and have a functional link with that property, with no boundary demarcation between the two. All of these factors demonstrate, in my judgement, a clear connection between the proposed annex and the main dwelling".

No objections were raised in respect to a loss of amenity or the proposal being used as a separate unit of accommodation.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy 26 of the HLP promotes high quality design that contributes to the creation of successful places in Havering by supporting development proposals that respect and compliments the distinctive qualities, identity, character and geographical features of the site and local area.

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.

Whilst officers would not question the intent to provide accommodation for family as this could be controlled by planning conditions, or a legal agreement, the site layout and visual characteristics can be likened to a self contained unit.

The proposal would be visible from the properties on Somerset Gardens and Hedingham Road.

The height and scale of the annexe is not dissimilar to other nearby outbuildings, which, are a common feature of most of the rear gardens to the properties in Somerset Gardens, as well the rear gardens of Hedingham Road, to the rear when the site was visited, the design, scale and style of these outbuildings varies significantly.

Within this context, the proposal would not be out of keeping or out of character. It is noted that the depth of the proposed annexe is greater than the outbuilding on either side of it, the difference is not, in the officers judgement, significant and would not on its own justify the refusal of planning permission. The proposal would be deeper but does not result in any harm given that it is located at the end of a long rear garden.

It is considered that the annexe would not unacceptably impact on the surrounding area.

The annexe is finished in a timber clad appearance. No objections are raised, mindful of the use of various materials in the construction of outbuildings etc within the area.

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 the requirements to protect the amenity of existing and future residents the Council will support developments that do not result in:

- i. Unacceptable overlooking or loss of privacy or outlook;
- ii. Unacceptable loss of daylight and sunlight; and
- iii. Unacceptable levels of noise, vibration and disturbance.

The proposal would provide a degree of independence and privacy to relatives and visitors using the accommodation, and at the same time retain a spacious and highly functional rear garden. The application site is of sufficient size to accommodate the proposed annexe. The proposal would not materially harm the character and appearance of the area. The annexe would sit comfortably on the rear part of the appeal site and integrate well with the variety of single storey buildings that characterise the rear gardens of most properties in Somerset Gardens and Hedingham Road.

Given the level of prospective occupancy, it is hard to envisage any level of comings and goings to the annexe causing undue harm, in much the same way as if it was sought for use as a games room or other such use, particularly in summer months. It would be hard to quantify what material harm would arise to that end.

It is noted that there are doors and window on front elevation facing the application and the neighbours on either side but also on the side elevation adjacent to No.84 Somerset Gardens.

The proposal would be sufficiently removed from the rear elevation of the properties on Somerset Gardens and Hedingham Road not to unacceptably impact on their privacy.

The depth of the annexe would be mitigated in part by the neighbouring outbuildings on either side. The height of the boundary treatment adjacent to No.80 Somerset Gardens would mitigate the height of the decking along that boundary and also the patio in front of the annexe and between the application dwelling. As a result, it is considered that the proposal would not unacceptably impact on the residents at No.80 Somerset Gardens.

The boundary treatment between the application site and No.84 is stepped and also the properties are located on a hill with No.84 being at a lower ground level.

Negotiations were undertaken during the planning process in respect to height of the fence adjacent to No.84. It is noted that the height of the fencing above the decked area adjacent to the dwelling and annexe is less than 1.8m.

A condition has been imposed for the height of the fencing to be raised so the fence is 1.8m above the decking. It is noted that No.84 has a small patio area to the rear of their dwelling and it considered that the additional increase in height would not unacceptably impact on this neighbour.

It is noted that there is a drop in ground level in the middle of the garden, where the tree is located. It is considered that the tree during the spring/summer would have foliage during these months but they would diminish during the autumn and winter months when the tree loses it leaves.

It is considered that the annexe would not result in any undue overlooking or loss of privacy mindful that the first floor windows of the application dwelling and the neighbouring properties already overlook the rear garden areas of surrounding residential properties and also .

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, conditions have been imposed to ensure that no openings will be added to side or rear of the annexe, that the flat roof of the annexe 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.

The condition has been imposed with no windows or opening to the rear to ensure that there is no loss of privacy to the residents to the rear on Hedingham Road.

In addition a condition would be imposed that the height of the boundary treatment adjacent to No.84 would be increased to mitigate the impact of the decking and potential loss of privacy.

HIGHWAY/PARKING

It is not considered that there are any grounds with which to withhold permission on basis of parking or highways grounds as such, mindful of the parking to the front of the property as well.

KEY ISSUES/CONCLUSIONS

For the reasons given above and outlined in the report, having regard to all material considerations and relevant planning policies approval is recommended.

RECOMMENDATION:

It is recommended that **planning permission be GRANTED** subject to the following condition(s)

1 SC10C Materials as per application form

The proposed development hereby approved shall be constructed in accordance with the materials detailed under material section of the application form and the additional information statement provided unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

2 SC13 (Screen fencing)

Within 3 months of the date of this decision, the alterations to screen fencing shall be provided in accordance with drawings nos. 06 Rev No. D & 07 Rev No. D unless submitted to and approved in writing by the Local Planning Authority. The fencing shall be permanently retained and maintained thereafter.

Otherwise, the decking hereby permitted will be demolished to ground level and all materials resulting from the demolition shall be removed.

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.

3 SC31 (Use as part of main dwelling)

The annexe hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as No.82 Somerset Gardens, Hornchurch and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority consider that the sub-division of existing properties should not be permitted in the interests of amenity.

4 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.

5 SC46 (Standard flank & rear 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 or rear 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.

6 SC48 (Balcony condition)

The roof area of the annexe 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.

7 SC60 (Contaminated land condition No. 1)

Within 3 months of the date of this decision, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on the site. This could include, but not necessarily limited to, the installation of a suitable gas resistant membrane, in compliance with BS 8485:2015+A1:2019, alternative gas protection measures, or suitable monitoring agreed in writing with the local planning authority, to demonstrate that the risk from landfill gas is adequately controlled. Any gas protection measures shall be carried out in strict accordance with the agreed details.

Upon completion of installation of any gas protection measures, a 'Verification Report' must be submitted demonstrating that the works have been carried out.

Otherwise, the use of the outbuilding hereby permitted shall cease and be demolished to ground level and all materials resulting from the demolition shall be removed.

Reason: Insufficient information has been supplied with the application to judge the risk arising from landfill gases (methane, VOCs and carbon dioxide). Submission of an assessment prior to commencement will protect people on or close to the site from the risks associated with migrating landfill gas, and will ensure that the development accords with the Havering Local Plan.

8 Non Standard Condition 31

The annexe hereby permitted shall not be arranged or disposed of as a separate unit of residential accommodation from the use of the main dwelling.

Reason:-

In order that the annex approved remains ancillary to the main dwelling and that the development accords with the Havering Local Plan.

9 Non Standard Condition 32

The garden area shall not be sub-divided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

Reason:-

In order that the annex approved remains ancillary to the main dwelling and that the development accords with the Havering Local Plan.

INFORMATIVES

1 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 Hyde (Agent) by phone and e-mail. The revisions involved clarity in respect to the decking, fencing & air source heat pump. The amendments were subsequently

submitted on 29/05/24, 12/06/24, 30/07/24 & 13/08/24.

Authorising Officer:

Simon Thelwell

Simon Thelwell

4th October 2024