

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1260.24

WARD: Emerson Park **Date Received:** 17th September 2024

ADDRESS: 231 Wingletye Lane
Hornchurch

PROPOSAL: Raised patio and boundary wall to rear and alterations to existing steps - part retrospective

DRAWING NO(S): 24/09/PL1
24/09/PL2
24/09/LP2 Location Plan

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 is a two storey detached house located on the west side of Wingletye Lane. The application site falls within Sector 4 of the Emerson Park Policy Area (EPPA). Ample parking within the site to the front of the property. The ground level falls from the back of the house towards the rear garden boundary. The surrounding area is characterised by single and two storey dwellings of various styles and designs.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the raised patio and boundary wall to rear and alterations to existing steps - part retrospective.

RELEVANT HISTORY

P1099.17	Two storey side & rear with single storey side and rear extensions with loft conversion including change in roof pitch and ridge height and dormers to front and rear.
	Apprv with cons 12-09-2017

CONSULTATIONS/REPRESENTATIONS

Letters were sent to surrounding neighbouring occupiers with one representation being received. The comments made are summarised below and where material will be considered by officers:

- Loss of privacy from the proposal.
- Comments regarding labelling on plans.
- Commencement date incorrect on submission.

OFFICER RESPONSE: The Council's Planning Department can only consider the proposal submitted before them and as shown on the submitted plans and as described. The comments made within the representation are duly noted.

The labelling on the plans and the commencement date on the form have not prevented the determination of this application.

RELEVANT POLICIES

- For ease of reference, the Residential Extensions and Alterations SPD will be referred as "SPD" and the Emerson Park Policy Area (EPPA) SPD.

LONDON PLAN:

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).

LDF

SPD04 - Residential Extensions & Alterations SPD

LDF

SPD05 - Emerson Park Policy Area SPD

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

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

STAFF COMMENTS

In accordance with the current protocol for site visits, an in-person site visit was not initially undertaken. However following a review of the details, the officer deemed it necessary to visit the

site and the adjoining neighbours. Access to one of the neighbouring properties at No.231a was not possible but this did not prevent the determination of the application.

Site photos were provided by the agent in support of the application and additional ones were taken by the officer during their visit. In determining this planning application site photo, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

It should be noted that no pre-application advice was sought prior to the submission of the application and it is considered that the changes required to try and bring the proposal within the realms of acceptability would not be minor.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The application site is located within Sector 4 of EPPA. This sector contains in the main medium sized family houses and there is little scope for any further infilling. Development must comprise detached single family, individually designed dwellings.

The proposal is to the rear of the dwelling and would therefore not have an impact on the streetscene.

The proposal is not considered visually intrusive in the rear garden environment as it relates satisfactorily to the existing dwelling and would not be out of keeping with the surrounding area. The development does however have a significant impact on neighbouring amenity.

IMPACT ON AMENITY

Consideration has been given to the impact on neighbouring dwellings in terms of loss of light and loss of privacy.

There is large drop in ground level from the dwelling into the rear garden. Aerial photography clearly shows that the proposed patio would be of a similar depth to the neighbouring property at No.231a albeit for the further incursion adjacent to the boundary with No.229 Wingletye Lane.

It is considered that the raised patio to rear and alterations to existing steps - part retrospective would not unacceptably impact on the amenity of the neighbour at No.231a Wingletye Lane due to the height of the boundary treatment along the common boundary with this neighbour and due to the fact that the patio area does project further along the boundary.

The boundary treatment adjacent to No.231a would mitigate any impact from the proposal. No objections are raised from a neighbourliness point of view.

Of a greater concern is the potential impact on the occupiers at No.229 Wingletye Lane. The raised patio area and boundary treatment would result in a height increase along this neighbours boundary.

The existing ground floor rear extension would project 6.8m approximately beyond the rear

elevation of No.229 before chamfering off toward the bi-fold doors within the site. It has been brought to the Council's attention that the original boundary treatment which was lower had fallen down and was replaced with a higher boundary treatment.

The height of the boundary treatment from the garden of No.229 where the extension chamfers off is approximately 2.44m this is without a further trellis being added on top. This would be 2.14m above the 30cm block plinth. The height of the fence at the middle point is approximately 2.36m and decreases to approximately 2.15m at the end of the circular planting area (Anderson shelter) before stepping down.

The ground level within the site slopes from the rear of the dwelling towards the rear boundary. It is noted that there is clear glass in the window within the chamfered wall of the rear extension.

The patio projects approximately 5.83m from bi-fold doors before dropping down to a lower height of 4.8m. The depth of the chamfer is approximately 1.7m so the cumulative depth of the patio adjacent to No.229 would be approximately 12.33m.

The cumulative depth of the single storey side/rear extension and the boundary treatment would be approximately 19.13m.

The height of the patio adjacent to Nos.229 and 233 immediately to the rear of the extension would be approximately 0.81m before stepping down to 0.65m which would be adjacent to No.229 Wingletye Lane.

The application proposes to add trellis which has not been erected, however, this would not negate views back towards No.229 and if replaced with a further increase of the wall or boundary treatment adjacent to this neighbour at No.229, this would exacerbate the impact even further.

The height of the existing boundary treatment from the application site above the patio is approximately 1.625m and this would increase with additional boundary treatment being added. As mentioned, the height measured already from No.229 is approximately 2.44m high.

It is considered the further incursion into the rear garden with the height of the patio and boundary treatment would be oppressive and domineering when viewed from the neighbouring rear garden. However, without the increase in boundary treatment further there would be views over the fencing into the neighbouring rear garden.

As mentioned, no pre-application advice was sought prior to the submission of the application and it is considered that the changes required to try and bring the proposal within the realms of acceptability would not be minor.

A significant amount of changes would need to be undertaken to try and bring the proposal within the realms of acceptability. Setting the patio away from the boundary with No.229 and including the use of screening to prevent over-looking onto the neighbouring rear patio, rear elevation of the dwelling and garden in part would be beneficial.

However, further to the rear of the garden would not be necessary as the first floor windows of the application dwelling and the neighbouring properties already overlook the end of the rear garden areas of surrounding residential properties

The applicant highlighted that there were trees along the boundary previously which provided screening. Staff have taken into consideration the above point however, it is considered that the proposal would not outweigh for the potential and perceived over/inter-looking from the raised patio area and it is considered that the height of the boundary treatment would unacceptably overbear and dominate the outlook and amenity of the adjacent neighbours.

The most private part of a neighbouring gardens is immediately to the rear of the dwelling.

In all, it is considered that the retention of the proposal including raised patio and boundary treatment would, by reason of its position and proximity to the neighbouring property would result in the potential for perceived over/inter-looking and loss of privacy and that the measure to include a proposed higher boundary treatment would exacerbate the impact further by providing an element which would be unacceptably dominant, overbearing and oppressive which would impact on the outlook and amenity of the adjacent neighbours at No.229 Wingletye Lane, Hornchurch contrary to Council guidelines.

HIGHWAY/PARKING

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

KEY ISSUES/CONCLUSIONS

The proposal is considered to be contrary to the above-mentioned policies and guidance and refusal is recommended.

RECOMMENDATION:

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

1 Reason for refusal - Loss of Privacy/Overlooking

The retention of the proposal including raised patio and boundary treatment would, by reason of its position and proximity to the neighbouring property would result in the potential for perceived over/inter-looking and loss of privacy and that the measures to include a proposed higher boundary treatment would exacerbate the impact further by providing an element which would be unacceptably dominant, overbearing and oppressive which would impact on the outlook and amenity of the adjacent neighbours at No.229 Wingletye Lane, Hornchurch contrary to the Policies 7 and 26 of the Havering Local Plan, Residential Extension and Alterations Supplementary Planning Document SPD and the guidance within the NPPF.

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 Mr Harrington (Agent) by phone on 27/11/24.

Authorising Officer:

A handwritten signature in black ink, appearing to read 'Raphael Adenegan', written in a cursive style.

Raphael Adenegan

27th November 2024