

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1053.24

WARD: Harold Wood **Date Received:** 26th July 2024

ADDRESS: Howards Farm, Tomkyns Lane
Upminster

PROPOSAL: Variation of condition 2 (approved plans) of planning permission Ref: P0550.23 dated 14/06/2023 to allow for the addition of a rear conservatory and canopy (Proposed development to demolish existing 5 bedroom dwelling, single detached garage and storage and erection of 4/5 bedroom dwellinghouse)

DRAWING NO(S): D01 - BLOCK PLAN
D01.1 - LOCATION MAP
D02 - EXISTING PLANS (GROUND/ROOF)
D03 EXISTING ELEVATION (SIDE/FLANK/REAR)
D04 - PROPOSED PLANS (GRound Floor & Roof)
D05 - PROPOSED ELEVATION (REAR)
D06 - PROPOSED ELEVATION (SIDE / FLANK)
D07 - PROPOSED ELEVATIONS (FRONT - ORANGE DOTTED LINE FOR EXISTING)
D08 - PROPOSED PLANS (First Floor & Loft)
EXISTING PLANS (basement & Roof Plan)
D02 - EXISTING PLANS (Ground & First Floor)
D04 - Existing Front / Rear Elevation
D05 - Existing Side / Flank Elevation
D06 - Existing Section
D07 - PROPOSED PLANS (Ground & Roof Plan)
D08 - PROPOSED PLANS (First & Loft)
D09 - PROPOSED ELEVATIONS (FRONT & REAR ELEVATIONS)
D10 - PROPOSED ELEVATIONS (SIDE / FLANK)
D11 - PROPOSED SECTION AA

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The site comprises of new detached two-storey dwelling house with loft accommodation and basement with a number of outbuildings within the site. Since the submission of the application, the address of the site has changed to La Cojan Farm. The host property is neither in a conservation area nor a listed building. It is within Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a variation of condition 2 (approved plans) of planning permission Ref: P0550.23 dated 14/06/2023 to allow for the addition of a rear conservatory and canopy (Proposed development to demolish existing 5 bedroom dwelling, single detached garage and storage and erection of 4/5 bedroom dwellinghouse).

Although not mentioned on the description, it is noted that the plans shown involve an increase in overall height on this submission compared to the previously approved application.

RELEVANT HISTORY

P1234.24	Retrospective application for two front garages changes in eaves height and roof rebuilding, erection of garden pond, rear extension to the covered swimming pool outbuilding and Proposed front gate replacement. Awaiting Decision
P0964.24	Proposed outbuilding for use as a summer house and gym including the addition of external steps Awaiting Decision
P0924.24	Retrospective application for two front garages changes in eaves height and roof building Awaiting Decision
P0925.24	Retrospective application for erection of garden pond Awaiting Decision
P0926.24	Retrospective application for rear extension to the covered swimming pool outbuilding Awaiting Decision
D0219.24	Certificate of Lawfulness for outbuilding at rear PP is required 03-07-2024
P0792.24	Proposed single storey rear extension and canopy Withdrawn 30-07-2024
P0243.24	Change of Use from Equestrian Use (Sui Generis) to provide outdoor leisure facilities, camp site provision and outdoor activities Withdrawn - Invalid 08-04-2024
P0550.23	Proposed development to demolish existing 5 bedroom dwelling, single detached garage and storage and erection of 4/5 bedroom dwellinghouse Apprv with cons 14-06-2023

P1311.16	Construction of a new Agricultural Barn, (mirror image of an existing Barn), for the storage of Hay, timber required for fence maintenance and repair and farm equipment, specifically a Tractor, Trailer and Flail. Apprv with cons 12-12-2016
M0006.14	2 No 4-stack antenna and 2 No 300mm dishes pole mounted to the barn building along with 1 No Airwave equipment cabinet at ground level within fenced compound formed of 1.2m high stock proof fencing and development ancillary thereto Pr App Not Req'd 22-08-2014
D0008.00	Pool enclosure and garage Deemed Refused 30-11-2001
D0026.99	Determination whether pool building including gymnasium/ steam room, toilet/shower, kitchen, plantroom together with a detached garage requires planning permission PP not required 21-12-1999
P1383.99	Single storey rear extension Apprv with cons 06-12-1999

CONSULTATIONS/REPRESENTATIONS

A public consultation was carried out including the application was advertised in the local press and a Site Notice was displayed outside the host property.

Two representations were received from the neighbour consultation and these have been summarised below:

- Hope this application will be looked at in conjunction with all the applications submitted.
- This application is for a permanent extension to the house & does not look like a conservatory.
- Both cover substantially more ground than the earlier extension application put in - P0792.24.
- Likely that the intention is enclose in the canopy in the future, thus increasing the volume.
- Concerns regarding increase in the volume of surface water & potential flooding.
- All the planning applications submitted for the site is surely now overdevelopment of the site.
- Impact on Green Belt land.
- The current building is well over the footprint of the original house.
- This additional extension will enlarge the footprint even more.
- Impact on Green Belt land, over development & will destroy the rural character of Tomkyns Lane.
- Flat roof of extension may be used as balcony and this was previously removed from proposal.

Officer's comments: the above will be addressed in the sections below

Anglian Water Authority - no comments made.

London Fire Brigade - no additional hydrants are required.

London Fire Brigade Fire Safety Team- no further observation to make.

LBH Street Naming and numbering - requires street naming and numbering.

LBH Waste & Recycling - no objection subject to waste & recycling storage be provided

Environmental Health - no response received

Highways- no response received

RELEVANT POLICIES

National Planning Policy Framework (2021)

London Plan (2021)

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D6 Housing quality and standards

Policy D11 Safety, security and Resilience to emergency

Policy D14 Noise

Policy G2 - London's Green Belt

Policy H1 Increasing housing supply

Policy H2 Small sites

Policy SI 1 Improving air quality

Policy SI 13 Sustainable drainage

Policy T6.1 Residential parking

Policy T7 Deliveries, servicing and construction

Havering Local Plan

Policy 3 Housing supply

Policy 7 Residential design and amenity

Policy 24 Parking provision and design

Policy 26 Urban design

Policy 27 Landscaping

Policy 32 Flood management

Policy 33 Air Quality

Policy 34 Managing pollution

Policy 35 On-site waste management

Residential Extensions & Alterations SPD 2011

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The Havering and London Mayoral CIL payment is applicable as the proposal is for a extended dwelling and creates more than 100 square metres of additional floorspace. The gross internal floor area of the existing dwelling is 250.93 square metres and this can be deducted from the gross internal floor area of the extended dwelling. The new dwelling including the basement with the proposed conservatory and canopy would have a total of area of 721.63 square metres once extended. The difference equates to 470.7 square metres which is rounded up to 471 square metres.

The Mayoral CIL has a charging rate of £25 per square metre of net additional floor space of the proposed development and therefore the liability equals $471 \times £25 \text{ per sq.m} = £11,775$.

The Havering CIL has a charging rate of £125 per square metre of net additional floor space of the

proposed development in Zone A.

The proposal would be liable for Havering Community Infrastructure Levy contributions of CIL of £58,875 (471 x £125) to mitigate the impact of the development.

The total CIL liability to be paid is £70,650 plus indexation.

STAFF COMMENTS

Site photos were provided by the agent in support of the application. The case officer visited the site with Planning Enforcement due to the number of applications that have been submitted and due to the enforcement investigation on site. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

This application is a resubmission of a previously approved planning application P0550.23. The application was initially submitted as a variation of the original consent.

It is noted that Planning Enforcement have an open investigation under reference ENF/132/24 in respect to an alleged unauthorised construction works not built to the approved plans.

Although, the proposal is for a variation of the original consent and the proposal has been submitted "to allow for the addition of a rear conservatory and canopy", it is noted that the application differs in the following key areas from the previous approved scheme P0550.23:

1. A first floor front canopy has been added to the front elevation with patio doors.
2. The design and size of the fenestration/doors on the proposed dwelling has changed.
3. The ridge height has increased and varies as shown on drawing D09 Proposed Elevations.
4. 2 x Cabriolet roof lights have been added to the rear roof slope.
5. Creation of storage area in loft with internal height should be less 2m once flooring added.
6. Patio doors have been added to the proposed first floor front and rear elevations.
7. The storage & garage on drawing D02 of P0550.23 was not demolished and has been retained.
8. In addition since the submission of the application, the address of the site has changed to La Cojan Farm.

The agent has outlined that the ridge height increase is due to excavation further into the ground and therefore this is the reason for the increase in height, however this was not shown on the original plans.

Although the above changes were not highlighted within the description or to the Local Planning Authority, they have been considered as part of this application mindful that they are shown on the submitted plans. The description has not been amended to reflected these changes, mindful of the following concerns raised regarding the Green Belt.

Furthermore, a separate householder planning application has been submitted under P1234.24 which described for the "Retrospective application for two front garages changes in eaves height and roof rebuilding, erection of garden pond, rear extension to the covered swimming pool outbuilding and Proposed front gate replacement".

It should be noted that the property is not currently lived in and internal works are still being undertaken for habitation to happen. As such, the works described under P1234.24 should not have been submitted under a householder application. The works being proposed have a bearing of this current proposal. It is also noted that a number of applications were withdrawn and not determined prior to this submission.

The effect of these changes will be assessed in the context of the following:

PRINCIPLE OF DEVELOPMENT

Green Belt

The National Planning Policy Framework (NPPF) 2021 states that the government attaches great importance to Green Belts. The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Development in the Green Belt is restricted and considered harmful to the openness of the green belt unless very special circumstances outweigh the harm. Local Planning authorities should regard the construction of new buildings as inappropriate unless in exceptional circumstances.

The NPPF attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. Paragraph 154 states that the construction of new buildings as inappropriate subject to a list of exceptions. Section D of the same paragraph states:

"the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces."

This is considered the most appropriate policy to apply in this case. London Plan Policy G2 supports the NPPF policy by stating that development proposals that would harm the Green Belt should be refused except where very special circumstances exist.

The Havering Local Plan states one of the Boroughwide Strategy for Growth is to protect and enhance the Green Belt which is classified as one of Havering's most valued assets.

The site is located in Metropolitan Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

The application site is of residential use and the host property has benefitted from a single-storey side and rear extensions. The dwelling has been built on 3 floors - a basement, a ground floor and first floor.

As part of the previously approved application P0550.23, the storage & garage on drawing D02 of P0550.23 was meant to be demolished to offset the additional volume added for the proposed dwelling. The retention of this building is being considered as part of another application P1234.24.

It is considered that the changes in respect to the visual appearance due to the excavation, the increase in height, the provision of the first floor front canopy extension and due to the fact that the storage & garage on drawing D02 of P0550.23 was not demolished to make way for the new dwelling, within the addition of other works being considered as part of the P1234.24, have a detrimental impact on the Green Belt.

The basement measured externally would have a footprint of 200sqm. Drawing D06 showing the existing basement approved as part of P0550.23 has a floor to ceiling height of 2.5m showing on the existing section, however, this has increased to approximately 2.7m on the proposed cross section drawing D11 which would add additional volume.

While this element would add to the volume of the proposal, as this element would be underground and would not be visually visible and thus would not affect the openness of the Green Belt. The ground floor measured externally had a footprint of 218sqm including the porch but this has increase to 242.50sqm, a 11.2% increase to that approved under P0550.23 and apprx 19% increase compared to the exisitng dwelling and structures meant to be demolished. The demolition of the existing dwelling and garage store would have equated to 204 sqm. However, the garage and store were never demolished and in fact were retained. Resulting in only the 177sqm of the existing house being demolished. Therefore there will be an increase of 37% $((242.5/177)-1 \times 100)$ in footprint. The volume comparison between the existing and the proposed excluding the roof and the basement for the reasons above and below would be an increase of 21% $((967/797)-1 \times 100)$.

Volume workings existing dwelling now demolished:

$*(15.14 \times 6.3 \times 2.5 \times 2) + (5.14 \times 3.6 \times 2.5 \times 2) + (16.3 \times 3.24 \times 2.5) + \text{Storage}(2.95 \times 2.57 \times 2.7) + \text{Garage}(5.28 \times 3.81 \times 2.7) = 797.4 \text{cubicm};$

*The previous volume for the garage and storage $(20.5 + 54.3 = 74.8 \text{cubicm})$ have was deducted from the previously quoted volume of 797.4 cubic metres referenced in P0550.23. This volume was used to mitigate the volume increase of the approved proposal in order to make it acceptable in Green Belt terms.

The volume workings of this proposal:

Ground floor $(242.5 \times 3.45 \text{h}) \times \text{area of first floor } (157.37 \times 3 \text{h}) = 1308.73 \text{cubicm}$ (both floor area are measured externally. This equates to an increase of 35% in terms of floor area when compared to the approved dwelling and an 82.6% increase in comparison the demolished dwelling and the retained storage and garage structures meant to have been demolished as part of the P0550.23 permission.

The new dwelling when compared to the existing dwelling would no longer maintain the existing roof height. The additional volume based on the additional floor area would be mostly at the first floor rear and front. When viewed from the street, the rear elements would, if any, be partially visible from the street and the front would not have a greater visual impact when compared to the existing as the width of the proposed dwelling would marginally be similar to the existing.

The increase in size of dwelling and the additional volume compounded by the increase in footprint and due to the fact that the garage and store were not demolished would have a detrimental impact on the openness of the Green Belt. There is no very special circumstances to warrant of the acceptability of the scheme.

It is considered that the alterations to the new dwelling and the non-removal of the garage and store to offset the additional volume would provide a development which would appear substantially larger, based on the arithmetic of the footprint and volume calculations. The proposal would be materially larger than the existing dwelling and would impact on the openness of the greenbelt. It is therefore it is considered to be harmful.

It is considered that the cumulative impact of the works undertaken on site, some of which is retrospective would appear to be substantially larger and would erode the openness of the green belt and as a result is considered to be harmful to the green belt.

The resultant development and the cumulative impact of the changes identified within this application and the retention of works as part of P1234.24 would result in disproportionate additions over and above that acceptable within the built form in the Green Belt and therefore, is deemed to be unacceptable in principle. The cumulative changes would increase the urban sprawl and impact on the openness of the Greenbelt. Other aspects such as the design and impact on neighbours' amenity will be assessed below.

As the site is within the area identified as Metropolitan Green Belt. Government Guidance as set out in the National Planning Policy Framework is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing open character of the area so allocated and that the new buildings will only be permitted in certain circumstances. The development is, by reason of its height, scale, bulk and mass, would be materially larger than the original dwelling combined with the retention of the storage & garage on drawing D02 of P0550.23 which was not demolished which would cause harm to the character and openness of the Green Belt. No special circumstances have been submitted in this case. The development proposals are therefore contrary to Policy G2 of the London Plan and the guidance in the National Planning Policy Framework.

DENSITY/SITE LAYOUT

Policy D6 of the London Plan provides guidance in relation to the dwelling quality and standards within residential developments.

The proposed dwelling would be over three floors would which exceeds the minimum standard for this level of occupancy which is 130sqm. The property would have ample built-in storage. It would be dual aspect. Section plans have been submitted to demonstrate that the internal floor-to-ceiling heights for the basement, ground and first floor would meet the NDSS standards and Policy D6 of the London Plan. However, it should be noted that the internal floor to ceiling height would not meeting the 2.5m high standard. The loft has been fitted out with cabriolet styled balcony roof lights. The agent and applicant have advised that the loft area will be used for storage as indicated on drawing D08 showing the loft floor and not habitable space. It should be noted that the loft would fail to me the internal floor to ceiling height if this area was being used for habitable space and be contrary to D6 of the London Plan.

It is considered that the proposed internal layout of the new dwelling would be in accordance with the London Plan policy D6 and the house would provide an acceptable amount of space for day-to-day living.

The amenity space would remain unchanged.

It is therefore considered acceptable and in accordance with planning policy D6 of the London Plan and Policy 7 of the Local Plan.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy 26 states the Council will promote high-quality design that contributes to the creation of successful places in Havering by supporting development proposals that are informed by, respect and complement the distinctive qualities, identity and character of the site and local area, responds to distinctive local building forms and patterns of development and respect the visual integrity and established scale, massing, the rhythm of the buildings and the surrounding physical context.

The principle of the new dwelling was established by the previous consent P0550.23. It is noted that changes have been undertaken to the dwelling which are not in accordance with previously approved plans.

No objections are raised from a visual point of view in respect the change in design of the fenestration, the inclusion of the first floor canopy and the request to allow for the addition of a rear conservatory and canopy to the rear of the dwelling from point of view but this does not outweigh the concerns raised regarding the impact on the openness of the Green Belt.

IMPACT ON AMENITY

Ground floor flank windows are proposed within the addition of the rear conservatory and canopy being proposed as part of this application. These flank windows would be well removed from the boundaries of the site so not to impact on the adjacent neighbours.

As mentioned, a number of other changes have been undertaken which are shown on the drawing. It should be highlighted from the offset that any works undertaken without the relevant consent is done so at the applicant's own risk. Condition no.4 of P0550.23 is a balcony condition which states:

The roof area of the dwellings 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.

The condition would be re-imposed mindful that it is variation of the original consent. No information has been provided in relation to the patio doors to the front onto the first floor canopy and the patio doors on the first floor rear elevation. It is noted the rear conservatory and canopy being proposed as part of this application would provide a raised platform, however there is no indication on the drawing if this will be used as a balcony or would a Juliette balcony being provided.

The Local Planning Authority can only consider the details before them and as such, a further application may be required, in the case a balcony or further incursions are being proposed to either front or rear, mindful of the conditions imposed.

In addition, cabriolet styled balcony roof lights were added which were not on the original plans.

During one of Officer's site visits, the opportunity was taken to open these windows and take views to the side and rear from the balcony roof lights.

It is considered that the view looking towards the rear of the site would not result in any undue overlooking or loss of privacy above existing conditions, particularly as the first floor windows of the application dwelling already overlook the rear garden areas of applicant's land to the rear and tennis. The views to neighbouring properties on either side are screened by the hip roofs on either side as the balcony styled roof lights are located within the centre of the dwelling.

Given the separation distance between the proposal and the non-attached neighbour is not dissimilar from the existing conditions and thus not considered to result in an adverse impact on the neighbour's amenity.

Given the setting and orientation of the proposal to the neighbouring properties, the proposal is considered not to result in overshadowing and loss of light to the amenities of neighbouring properties.

HIGHWAY/PARKING

The site has a Public Transport Access Level (PTAL) of 0 (poor). The site will provide ample parking for the dwelling. No details regarding paving of the drive has been provided as part of the original, however, condition no.6 of P0550.23 states that:

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.

KEY ISSUES/CONCLUSIONS

The proposal would be contrary to Green Belt Policy in that the scale of the replacement dwelling proposed would be materially larger than the one it replaces. As such, it would represent inappropriate development in the Green Belt and no exceptional circumstances are submitted to overcome the presumption against inappropriate development.

The proposal has been assessed against the relevant policies and guidelines. It is considered acceptable in design terms and would not have a detrimental impact on the future occupants, however, it is considered that cumulative impact of the works undertaken and the proposed variation would impact on the openness of the Greenbelt.

Therefore, it is recommended that planning permission be Refused.

RECOMMENDATION:

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

- 1 Reason for refusal - Metropolitan Green Belt

The site is within the area identified as Metropolitan Green Belt. Government Guidance as set out in the National Planning Policy Framework is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing open character of the area so allocated and that the new buildings will only be permitted in certain circumstances. The development is, by reason of its height, scale, bulk and mass, would be materially larger than the original dwelling combined with the retention of the storage & garage which was not demolished which would cause harm to the openness of the Green Belt. No very special circumstances have been submitted in this case that would clearly outweigh the identified harm to the Green Belt. The development proposal is therefore contrary to Policy G2 of the London Plan and the guidance in the National Planning Policy Framework.

INFORMATIVES

1 CIL informative for refused proposal - Residential For Residential Development Only

Please be advised that approval of this application from 1st September 2019 (either by London Borough of Havering, or subsequently by PINS if allowed on appeal following a refusal by London Borough of Havering) will attract a liability payment of £70,650 plus indexation in Community Infrastructure Levy (CIL). This charge has been levied under s.206 of the Planning Act 2008 and includes both the Mayor of London's CIL and Havering Council's CIL.

London Borough of Havering, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL, in addition to Havering's CIL, on commencement of the development.

Your proposal is subject to a CIL Liability Notice indicating a levy of £70,650 plus indexation for the application, based on the Mayoral CIL levy rate for Havering of £25/sq.m plus Havering's charging rate for residential of £125/sq.m (Zone A) and the floorspace of 471 square metres.

You are advised to visit the planning portal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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, notification of intended refusal and the reason(s) for it was given to Mr Mindru (Agent) by e-mail on 11/12/24.

Authorising Officer:



Raphael Adenegan

11th December 2024