

## OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

**APPLICATION NO:** P0817.24

**WARD:** Rainham & Wennington **Date Received:** 10th June 2024

**ADDRESS:** 428 Upminster Road North  
Rainham

**PROPOSAL:** Erection of a two storey 2-bed attached terrace house involving two storey side extension and part single, part two storey rear extension to existing house involving demolition of existing rear extension and outbuilding

**DRAWING NO(S):** D4288/PA/001 Rev A  
D4288/PA/002 Rev A

**RECOMMENDATION:** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### SITE DESCRIPTION

The site comprises of an end of terrace dwelling with associated side and rear garden/vehicle parking.

The site is within the Metropolitan Green Belt and Thames Chase Community Forest.

### DESCRIPTION OF PROPOSAL

Consent is sought for the formation of an attached dwelling.

By way of background an application for an attached dwelling was approved under reference P0749.21 but has since lapsed. Nevertheless the timing of this decision is a consideration.

### RELEVANT HISTORY

|          |                                                                                                                                                                                                                             |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P0749.21 | Erection of a two storey 2-bed attached terrace house involving two storey side extension and part single, part two storey rear extension to existing house involving demolition of existing rear extension and outbuilding |
|          | Apprv with cons 30-06-2021                                                                                                                                                                                                  |

### CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were invited to comment through direct notification, in addition a pair of site

notices were displayed in the vicinity of the site and the application was advertised in the local press. No letters of representation were received.

In addition the following comments were made by other stakeholders.

LBH Environmental Health - No objection

Highway Authority - Objection

Fire Brigade - No objection

(OFFICER COMMENTS: It is observed that the LBH Highway Authority have expressed an objection on the basis of the parking to the rear and concerns over visibility. This is in contrast to the earlier submission where no objection was registered. Officers will consider the content of officer comments in the Highways section of this report.

## **RELEVANT POLICIES**

Havering Local Plan 2016-2031 Policies H1, D1, 23, 24, 26 and 34

London Plan 2021 - Policies D6, G2, T6

NPPF

## **MAYORAL CIL IMPLICATIONS**

The proposals would be liable for contributions under CIL regulations. This would equate to the following (new floor area totalling 100 sqm):

MCIL - £2,500

HCIL - £12,500

Each contribution would be subject to indexation.

## **STAFF COMMENTS**

## **PRINCIPLE OF DEVELOPMENT**

The National Planning Policy Framework (NPPF/the Framework) 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, is clearly outweighed by other considerations.

The Framework at Chapter 13 establishes that new buildings or development within the Green Belt is inappropriate, however provides a number of exceptions at Paras 154 and 155. The acceptability of the current proposals in principle rests upon whether the development can be demonstrated to

meet with, in its entirety, any of the given relevant exceptions and also not conflicting with the purposes of including land within the Green Belt.

To that end, the application submission is silent on the siting of the application site within the Metropolitan Green Belt. The accompanying planning statement does not acknowledge or address this key issue or present any compelling argument which would address the principle of development. This was however the case with the previous application (P0749.21) and the proposals remain as before. The applicant indicates that it was not possible to implement the permission within the three year period.

As with consideration of the earlier approval the characteristics of the site would in the opinion of officers lend themselves to the view being taken that the proposals would amount to limited infilling and therefore require further consideration.

## **GREEN BELT IMPLICATIONS**

The site is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of 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. Paragraph 154 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However at Paragraph 154 and 155 a number of exceptions are given.

Fundamentally as an extension to the host dwelling, Paragraph 154(c) could be reasoned to be relevant. This exception permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Historic Council Policy was prescriptive and set a threshold of 50% additional volume. Mindful that the footprint of the dwelling would essentially be doubled with the proportions of the proposed dwelling replicating that of the host, it is not unreasonable to conclude that in terms of volumetric increase that the proposals would form a disproportionate addition.

In failing to meet with the requirements of the above exception the other relevant exception in this instance would be Paragraph 154(e), which supports limited infilling in villages. Whilst the term "village" is not explicitly defined in the NPPF, the term normally refers to a cluster of dwellings in rural areas with a small population. Rainham very much sits on the periphery of London, however nevertheless forms part. Its historic identity as a village has been eroded as it has expanded and increased in size over time. The application sites falls outside the more densely populated area to the immediate west of it. Whilst relatively isolated the application site forms part of a terraced row numbering four dwellings and on the opposing side of Launders Lane are a pair of semi-detached dwellings and another terraced row of two storey dwellings. As indicated the main residential area is located to the west of the application site outside of the Green Belt. Although the cluster of properties on either side of Launders Lane which include the application site are separated by open land from the more densely populated area to the west (which are located outside of the Green Belt), the site in the context of its immediate surroundings is residential in character and officers consider that for the purposes of Para 154(e) that in this context can be regarded as exhibiting the characteristics of a village setting.

The terms 'limited' and 'infilling' are not defined in the Framework and are essentially a question of

fact and planning judgement having regard, for example, to the nature and size of the development itself, the location of the application site and its relationship to other existing development adjoining and adjacent to it. Whilst there is potential for the provision of a dwelling in this location to impede the spacious qualities exhibited by the undeveloped corner location, the proportion and form of the dwelling has been approached sympathetically. The site is regarded as being capable of accommodating a dwelling commensurate in size with the host dwelling that it would adjoin. The provision of a single dwelling would, as a matter of judgement, be limited and would sit within the confines of existing residential curtilage. It is not considered that a single dwelling in this location, that being flanked by residential development, could be reasoned to result in material harm to the openness of the wider Green Belt setting. Therefore the development is not regarded as being inappropriate.

As the proposals are not inappropriate it is not necessary to consider the question of very special circumstances per paras 152/153 of the Framework.

## **DENSITY/SITE LAYOUT**

Policy D6 (Housing Quality and Standards) of the London Plan advises 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. 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 takes into account commonly required furniture and the spaces needed for different activities and moving around.

In addition to this there are minimum requirements for outside spaces/private amenity areas. The London Plan (2021) requires that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. These standards are reflected in the Havering Local Plan 2016-2031 where at Policy 7 it requires developers to demonstrate compliance.

The proposals would well exceed with the required standards in terms of gross internal floor area and bedroom/size mix. However given the character implications of the development and siting within the Green Belt officers do not consider that the site is underdeveloped. The design constraints to integrate with the adjoining dwelling take precedent. Changes to the host dwelling would not be detrimental to the living experience of occupants and represent changes entered into willingly by the applicant. Whilst the site would be apportioned to provide separate amenity areas for the proposed dwelling and host, they would each be broadly consistent with neighbouring dwellings to the South and would provide in excess of the minimum standard required by the London Plan 2021.

The quality of living environment for existing and future occupants is not regarded as objectionable.

## **DESIGN/IMPACT ON STREET/GARDEN SCENE**

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 NPPF reinforces this by placing emphasis on good quality, design and architecture. The NPPF also requires that planning decisions ensure that developments are sympathetic to the local character, context and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Minor alterations to the host dwelling are shown and are not regarded as a barrier to the development. This includes the demolition of an existing projection and provision of roof-light within a revised single storey projection (which is shown to exist at an equivalent depth currently) shared across both properties. Whilst there would be an increase in the overall height, it is not considered (given the existing footprint of this neighbour) that there would be any material harm arising. In the context of the host dwelling, the volumetric increase would be negligible.

The introduction of the proposed two storey dwelling would respect the existing predominant form and character of the dwellings within the terraced row with which it would align. Whilst there are noted to be distinct variations present (418 Upminster Road North) it would reflect the proportions of the host dwelling in width and arrangement of fenestration when viewed from the street. Subject to a condition requiring details of any materials to be used, it is considered that a satisfactory outcome could be achieved. The provision of entrances to the front is not held to be objectionable and with parking provided to the rear of the site there is opportunity to provide a generously landscaped front garden which would offer benefits visually over the existing arrangement and maintain openness. The provision of a boundary wall is not objectionable and would be of a height where there would not be undue enclosure or harm to the corner. The proposed dwelling and layout of the site would be respectful of existing character and would not diminish or be at odds with prevailing plot sizes and the established pattern of development.

Whilst there is scope for the development to be perceived to close down the spacious qualities of the junction the dwelling would be suitably well separated from the boundaries of the site. Accordingly officers consider that the site could easily accommodate both properties and that the proposed dwelling would not be out of keeping with or be harmful to the character and appearance of the area. The development complies then with the objectives of the Havering Local Plan 2016-2031, the London Plan and the Framework.

## **IMPACT ON AMENITY**

Policy 7 of the Havering Local Plan 2016-2031 (HLP) states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy, noise, vibration and disturbance to existing and future residents. This

policy is to be read in conjunction with Policy 26 however the objectives are reflected in Policy 34 also which states that development will not be permitted where it would unduly impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.

The amenity impacts would be limited to the host dwelling, there would be no material impact on the attached neighbour. Given that the front and rear building line would be shared there would not appear to be any grounds with which to withhold permission on amenity grounds. The provision of windows at first floor level and resultant views would not be unneighbourly in the context of other two storey residential properties.

It is not considered on balance that sufficient harm would arise which would enable a decision to refuse permission. Even though removed from what existed previously the siting and impacts are comparable broadly to the historic arrangement pre-demolition. Any harm is within acceptable tolerances as a result.

## **HIGHWAY/PARKING**

Public Transport Accessibility Levels (PTALs) are used by TFL to produce a consistent London wide public transport access mapping facility to help boroughs with locational planning and assessment of appropriate parking provision by measuring broad public transport accessibility levels. There is evidence that car use reduces as access to public transport (as measured by PTALs) increases. Given the need to avoid over-provision, car parking should reduce as public transport accessibility increases. London Plan Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.

London Plan 2021 at Policy T6.1 provides further detail and states that new residential development should not exceed the maximum parking standards given by it. In Outer London in areas with a PTAL rating of 0 and 1, for 1-2 bedroom dwellings the requirement is 1.5 spaces per new unit. To that end, the proposals would make provision for two spaces per dwelling, which would exceed the required standard. However in this instance, officers do not consider that the level of parking would be oversubscribed and that two spaces in this location would be acceptable in policy terms.

Matters of highway safety have been raised in representations to the Council and in contrast to the earlier approved scheme the Highway Authority have expressed concern over the parking to the rear. Whilst there is no evidence before officers to suggest that the road is not fast trafficked, the proposed parking layout would make use of existing arrangements. As such there is not considered to be an in principle objection, certainly one which could be substantiated, in the event of an appeal. It stands to reason that the applicant might demolish the garage and resurface the area to the rear of the site and use it for parking without the need for consent. It is on this basis that officers conclude that there are no grounds to withhold permission.

## **OTHER ISSUES**

Para 56 of the NPPF states that planning conditions should be kept to a minimum and only imposed

where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

A number of trees would be removed from the site to facilitate the development. There are no preservation orders and officers do not consider that there is significant public amenity value. In the event of approval a scheme of landscaping would be required by condition. This is considered to represent an opportunity to improve the contribution of the site through additional areas of planting and to improve biodiversity.

BNG came into force for minors and small sites in 2nd April 2024 requiring 10% net-gain over existing. No objection has been registered through consultation on the content of the applicant's submission. Whilst officers are not convinced by the small sites metric calculation submitted it stands to reason that there is opportunity on the site, even with the increase in built form, to fulfil obligations under S40 NERC Act 2006 (as amended). It is not considered at this stage that any exemption applies.

## KEY ISSUES/CONCLUSIONS

The development is not regarded as being inappropriate development in the Green Belt. The proposed development would offer a modest contribution to housing supply and delivery and this would weigh in favour of the development. On balance, officers do not consider that the proposals would be sufficiently harmful so as to justify a decision to refuse permission. APPROVAL is recommended accordingly subject to those conditions outlined below.

## RECOMMENDATION:

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

### 1 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 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:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

### **3 MATERIALS**

No above ground works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the 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 materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

### **4 LANDSCAPING**

Prior to any above ground works there shall have been submitted and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:- Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development achieves a satisfactory level of landscape quality and to accord with Policy 27 of the Local Plan.

### **5 TREE**

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 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 Local Plan.

### **6 BOUNDARY TREAT**

Notwithstanding the details shown on approved plans, prior to any above ground works details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. In order to maintain satisfactory sight lines, boundaries to the front of the dwelling hereby approved shall not exceed 0.6m in height. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure highway safety.

## **7 HOURS OF WORK**

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; 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.

## **8 PARKING**

Prior to the first occupation of the proposed dwellings hereby approved, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site 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, and that the development accords with Policy 24 of the Havering Local Plan.

## **9 WATER EFFICIENCY**

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..

## **10 EVCP**

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.

## **11 FLANK WINDOW**

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.

## **12 M4(2)/(3).**

All dwellings hereby permitted where achievable 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 Surfacing**

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.

## **INFORMATIVES**

### **1 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.

### **2 CIL**

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The Mayoral CIL levy rate for Havering is 25/m<sup>2</sup> and is chargeable for each additional square metre of residential gross internal (GIA). Based upon the information supplied with the application, £2500 would be payable due to result in a new property with a gross internal floor area of 100m<sup>2</sup> of GIA, however this may be adjusted subject to indexation.

The proposal is also liable for Havering Council's CIL. Havering's CIL charging rate for residential is £125m<sup>2</sup> (Zone A for each additional square metre of GIA. Based upon the information supplied with the application, £12,500 would be payable, 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#>

### 3 Non Standard Informative 1

#### Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

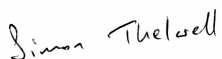
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be the London Borough of Havering.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

#### Authorising Officer:



Simon Thelwell

13th December 2024