

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1364.24

WARD: Heaton **Date Received:** 10th October 2024

ADDRESS: 35 LANCING ROAD
ROMFORD

PROPOSAL: Erection of one 2x bed end of terrace dwelling following the removal of existing garage and single storey rear infill extension to host dwelling at no.35

DRAWING NO(S): Proposed Plans - Scheme 2
Proposed Elevations
Proposed Block 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 comprises a 2-storey semi-detached house with a large side garden and a side garage. The area is residential and is largely characterised by two-storey semi-detached houses or terraced houses. The host property is neither in a Conservation Area nor is a Listed Building.

DESCRIPTION OF PROPOSAL

Planning permission is sought for one 2-bed end-of-terrace dwelling following the removal of the existing garage and a single-storey rear infill extension to the host dwelling at no.35.

This is a re-submission of a refused application (reference: P0290.24) for a 2-bedroom end-of-terrace dwelling house which was refused for the following reason:

'The dwelling would be cramped and overdevelopment of the site with poor spacing to no.37 Lancing Road, out of character with the established pattern of development which would be detrimental to the visual amenity of the locality and adversely affect the amenity enjoyed by prospective occupiers due to poor outlook and aspect from the ground floor windows to the main habitable room. The proposal would therefore be contrary to Policies 10, 7 and 26 of the Havering Local Plan 2016-2031 and also the NPPF which requires fundamentally that development add to the overall quality of the area whilst also establishing or maintaining a strong sense of place'.

Pre-application advice was sought before the refused planning application and the Planning Officer suggested that a scheme with a detached dwelling would be likely to be refused.

RELEVANT HISTORY

P1076.24	Erection of one 2xbed end terrace dwelling following the removal of existing garage and single storey rear infill extension to host dwelling at no.35 Withdrawn - Invalid 06-09-2024
P0290.24	Erection of one 2xbed end terrace dwelling with parking, landscaping and amenities following the removal of existing garage. Single storey rear infill extension at the host dwelling at no.35. Refuse 30-04-2024
W0067.23	Proposed new two-bedroom two-storey detached dwelling at land adjacent to 35 Lancing Road Awaiting Decision

CONSULTATIONS/REPRESENTATIONS

Adjoining occupiers were consulted by way of direct notification and three objections have been received with the following comments:

- Same as the previous refused application, previous objections stand.
- May cause good neighbours to move.
- Unneighbourly, out of place and prominent, cramped in the site, overdevelopment.
- No parking, issues with the driveway and access.
- Overlooking and impact on privacy.
- Dust and noise during construction.
- No.1 should not set a precedent as it was approved in 1999, other examples nearby have different site contexts.

These issues are addressed later in this report except for the noise and disturbance during construction and neighbours moving house which are not material planning considerations.

In addition the following comments were made by other consultees:

LBH Highway Authority - No comments received.
LBH Public Protection - Conditions suggested - low emission boilers and EV parking outlets.
Street Naming and Numbering - Applicant needs to apply.
LBH Waste/Recycling (Streetcare) - No objection.
Fire Brigade (Hydrants) - No additional hydrants required.
Fire Brigade (Fire Safety) - no comments to make.
Anglian Water - Outside of their remit.

RELEVANT POLICIES

Havering Local Plan 2016-2031 Policies
Policy 7 - Residential Design and Amenity

Policy 10 - Garden and Backland Development
Policy 23 - Transport Connections
Policy 24 - Parking Provision and Design
Policy 26 - Urban Design
Policy 34 - Managing pollution

London Plan 2021
Policy D1 - London's form, character and capacity for growth
Policy D4 - Delivering good design
Policy D6 - Housing Quality and Standards
Policy H1 - Increasing housing supply
Policy T6 - Car parking

London Plan Housing Design Standards Supplementary Planning Guidance 2023

London Plan Housing Supplementary Planning Guidance 2016

The National Planning Policy Framework (NPPF)

MAYORAL CIL IMPLICATIONS

Contributions would be required under CIL regulations. The proposal would add 74 square metres floor area. An existing outbuilding with an area of 20 square metres would be demolished so the total new floor area would be 54 square metres.

This would translate to a Mayoral CIL (MCIL2) contribution of £1350 (£25 per sqm).

As of September 1st 2019, Havering adopted its on community infrastructure levy (HCIL) which has a chargeable rate of £125 per sqm in this location. This translates to a contribution of £6750.

Each contribution would be subject to indexation.

STAFF COMMENTS

An in-person site visit was not necessary. Photos provided by the agent in support of the application were used. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

PRINCIPLE OF DEVELOPMENT

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The London Plan notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality accommodation. The provision of additional accommodation is consistent with the NPPF and the objectives of the Havering Local Plan 2016-2031 which at Policy 3 is supportive of housing

provision in sustainable locations. In addition the London Plan 2021 notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality at Policy H1 whilst also acknowledging that development should optimise housing output subject to local context and character at Policy D1.

The acceptability of any submission is reliant on other policy considerations including Policy 10 of the Havering Local Plan 2016-2031 which requires consideration of the following:

Proposals for residential development on garden and back-land sites in Havering will be supported when they:

- i. Ensure good access and, where possible, retain existing through routes;
- ii. Retain and provide adequate amenity space for existing and new dwellings;
- iii. Do not have a significant adverse impact on the amenity of existing and new occupants;
- iv. Do not prejudice the future development of neighbouring sites;
- v. Do not result in significant adverse impacts on green infrastructure and biodiversity that cannot be effectively mitigated and;
- vi. Within the Hall Lane and Emerson Park Character Areas as designated on the Proposals Map, the subdivision of plots and garden development will not be supported, unless it can be robustly demonstrated that the proposal would not have an adverse impact on the character of the area and that the proposed plot sizes are consistent with the size, setting and arrangement of properties in the surrounding area.

In addition to the above, the Housing Delivery Test results are a material consideration. On the 19th December 2023, the Government published the Housing Delivery Test result for 2022. The Housing Delivery Test Result for 2022 is 55%. In accordance with the NPPF the "Presumption" due to housing delivery therefore applies. In terms of housing supply, based on the latest 2024 Housing Trajectory, Havering is able to demonstrate 3.4 years supply of deliverable housing sites. The Havering Local Plan was found sound and adopted in 2021 in the absence of a five year land supply. The Inspector's report concluded:

"85. Ordinarily, the demonstration of a 5-year supply of deliverable housing land is a prerequisite of a sound plan in terms of the need to deliver a wide choice of homes. However, in the circumstances of this Plan, where the housing requirement has increased at a late stage in the examination, I ultimately conclude that the Plan, as proposed to be modified, is sound in this regard subject to an immediate review.

86. This is a pragmatic approach which is consistent with the findings of the Dacorum judgement. It aims to ensure that an adopted plan is put in place in the interim period before the update is adopted and the 5-year housing land supply situation is established."

The Council is committed to an update of the Local Plan and this is set out in the Council's Local Development Scheme. Therefore, in the meantime whilst the position with regard to housing supply is uncertain, the "Presumption" due to housing supply is applied. The Presumption refers to the tilted balance set out in Paragraph 11(d) of the NPPF as if the presumption in favour of sustainable development outlined in paragraph 11(d) of the National Planning Policy Framework (NPPF) has been engaged. Para 11(d) states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Fundamentally this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The proposed development would offer a small contribution to housing supply and delivery and this would weigh in favour of the development. However, paragraph 135 of the NPPF requires high quality design, consideration of character and a high standard of amenity for existing and future users. For the reasons outlined within this report the proposed development is unacceptable in regard to its impact on amenity, the impact on the street- scene and the impact on the highway - these are key aspects of sustainable development.

Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11(d) of the NPPF.

DENSITY/SITE LAYOUT

The London Plan 2021 at Policy D6 (Housing Quality and Standards) requires 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 take into account commonly required furniture and the spaces needed for different activities and moving around.

The proposed dwelling would have a internal floor area of 74 sqm which meets the minimum for a 2-storey, 2-bedroom / 3-person dwelling (minimum of 70 sqm) contained in Policy D6 of the London Plan. The bedroom sizes are adequate. The unit would have its own front door and would be dual aspect. The minimum floor to ceiling height must be 2.5m for at least 75% of the gross internal floor area; this is met. All habitable rooms have a reasonable outlook compared to the refused application.

The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. The proposed amenity space would be adequate in terms of the provision of a useable and high quality outdoor area for a 2-bedroom unit.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy 26 of the Havering Local Plan (Adopted 2021) states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area by responding to distinctive local building forms and patterns of development and by respecting the scale, massing and height of the surrounding physical context. 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.

The plans are different from the refused application (reference: P0290.24) as:

- It would be wider (from 5.7m to 6m in width).
- The roof would be lower than the rest of the terrace.
- There would be a set back from the front elevation of 2.3m.
- The rear projection of the new dwelling is larger.

The plans as part of this planning application show an end-of terrace house with a different scale and roof height to the host dwelling. It would be set back from the front elevation by 2.3m, the roof would be lower than the roof of the rest of the terrace and the first floor rear projection would be unduly large, bulky and prominent with a width of 4.5m, close to the shared boundary. The proposal appears as a large extension to no.35 rather than a separate dwelling and fails to integrate well with the existing row and immediate street scene. The site is in a position on a corner site and the neighbouring house at no.37 is set at a right angle. The area is characterised of a mix of semi-detached houses and rows of terraces but generally blocks of houses have spacing in-between them. The proposed development would appear incongruous and visually intrusive in the street scene and the garden scene as it fails to take into consideration building positions nearby. The dwelling would be 'squeezed' into the plot not taking into account spacing and building lines in the area, the site would appear cramped and the house would appear out of place and would set an unacceptable precedent and it would constitute overdevelopment of the site.

The supporting statement refers to a side extension at no.1 Lancing Road; this should not set a precedent as it is a wholly different site, the spacing is maintained and it was approved 25 years ago with very different planning policies and guidelines. Other examples are mentioned; it is important to emphasise that each site is assessed on its own site situation.

The proposal conflicts with the objectives Policy 26 and the NPPF as it presents an incongruous and cramped development.

IMPACT ON AMENITY

Consideration has been given to the impact on the neighbouring dwellings in terms of loss of light and loss of privacy. Planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

The dwelling would be more than 15m away from houses to the rear at Camborne Avenue and the impact on amenity would be minimal in terms of loss of light or overlooking.

Careful consideration has been made to assess the impact on amenity to the non-attached neighbour at no.37. Overlooking would be minimal due to the positioning of the new house; the front windows would face the front garden of no.37 which is in public view. There are windows in the flank wall of no.37 serving non-habitable rooms so it would be difficult to refuse this application on the basis of loss of light to non-habitable rooms. Windows / door to a kitchen diner are situated more to the rear of the house and the larger spacing would not create loss of light issues severe enough to justify a refusal. No direct overlooking would occur. A flank set of doors are proposed on the ground floor but the spacing of 3.8m to the boundary would mitigate any loss of privacy due to

overlooking. A flank window is proposed on the first floor but the high level obscure glazed window would mitigate any loss of privacy due to overlooking.

There would be an impact on the amenity of the host dwelling at no.35, in terms of loss outlook and overbearing impact, as the first floor rear projection would be 1.5m from the shared boundary close to a habitable room window failing to meet the 2m spacing guidance in the SPD.

The proposal would be unneighbourly.

HIGHWAY/PARKING

CAR PARKING

Parking provision and matters of highway consideration are represented in Policy T6.1 of London Plan (Adopted 2021) The PTAL rating for the site is 2 with some access to public transport. As per Policy T6.1 of the London Plan, a 2 bedroom unit is required to provide a maximum of 0.75 parking space per dwelling for an area of Outer London with a PTAL of 2-3. No car parking space is shown on the plans but an access is shown, similar to the refused planning application. It is acknowledged that, in reality, any car parking spaces on this site would be problematic and parking would rely on shared access and manoeuvring cars around other parked cars and boundary walls. There would be a loss of a garage parking space for the host dwelling but it would be difficult to refuse this application on this basis alone as one space would remain on the site frontage and the PTAL rating is 2 and parking standards are maximum and not minimum and there are no restrictions to on street parking. It would be difficult to refuse this application on the lack of practical parking.

CYCLE PARKING AND BIN STORAGE

Planning Policy supports development that promotes more sustainable modes of transport; such as walking and cycling. If minded to approve, conditions could ensure that the bin stores and cycle storage shown on the plans are provided.

KEY ISSUES/CONCLUSIONS

Upon full assessment of the submitted material supporting the application, taking into account all material considerations, it is considered the objectives of the development plan have not been met, and that planning permission should be refused.

RECOMMENDATION:

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

1 Reason for refusal - Streetscene

The dwelling would be cramped and overdevelopment of the site with poor spacing, a poor relationship with the host dwelling and the rest of the row of terraced houses and it would appear out of character with the established pattern of development which would be detrimental to the visual amenity of the locality. The proposal would therefore be contrary to

Policies 10, 7 and 26 of the Havering Local Plan 2016-2031 and also the NPPF which requires fundamentally that development add to the overall quality of the area whilst also establishing or maintaining a strong sense of place.

2 Reason for refusal - Residential Extensions

The proposed dwelling would, by reason of its positioning, scale, bulk and proximity to the attached property at no.35 Lancing Road, be an intrusive, overbearing and unneighbourly development that would have a significant adverse effect on the amenities of these adjacent occupiers resulting in loss of light, overshadowing, an increased sense of enclosure with an overbearing impact contrary to Policy 7 of the Havering Local Plan 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, it was necessary to issue a decision as close to the statutory timeframe as possible as opposed to seeking amendments which would have significantly delayed the application.

2 Refusal and CIL

In the event that this application is allowed through the appeals process the proposals would be liable for the following CIL contributions:

Mayoral CIL contribution of £1350 (x £25 per sqm).

Havering CIL contribution of £6750 (x £125 per sqm)

Each contribution would be subject to indexation.

Authorising Officer:



Neil Goate

23rd December 2024