

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1617.24

WARD: Elm Park **Date Received:** 9th December 2024

ADDRESS: 53 Elm Park Avenue
Hornchurch

PROPOSAL: Outbuilding with a Gym room, a storage room and a shower (Part Retrospective)

DRAWING NO(S): Site location plan
DDC.01.A
DDC.02.A
DDC.03.A

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 is a two storey terrace property, located within a row of 6 terraces, which is sited on the northern side of Elm Park Avenue. There is an existing single storey rear extension and rear outbuilding on site.

There is parking at the front on hardstanding.

The surrounding area is residential and characterised mainly by terrace and semi-detached residential properties.

The site is not within a conservation area and the building is not listed.

DESCRIPTION OF PROPOSAL

Part retrospective planning permission is sought for a replacement single storey outbuilding to rear ancillary to main dwelling. The existing rear outbuilding has been replaced with a new outbuilding, which is near completion on site, as the external materials and internal layout have not been completed to date. The new rear outbuilding measures approx. 4.2m wide and 6m deep. Overall height of 2.6m above ground level and 200mm high below ground level.

The front facade (south) would have UPVC double glazed framed windows and double doors (facing back onto the host building). At least 16m away from the house, with a setback of at least 80mm to the adjoining shared at no. 55 (west).

RELEVANT HISTORY

ENF/400/24	Without planning permission, the construction of an outbuilding to the rear garden.		
Y0249.23	Single storey rear extension with an overall depth of 6m, a maximum height of 3m, and an eaves height of 2.85m. (PRIOR APPROVAL)		
	Pr App Refused	13-11-2023	

CONSULTATIONS/REPRESENTATIONS

Two letters of objections and one letter of observation was received from local residents raising the following concerns:

1. Too high will block sunlight, loss of privacy and overlooking to gardens and properties.
2. The scale, appearance and character of the building is not keeping with the area.
3. Damage to their garden fence and adjoining trees.
4. Additional noise.
5. Blockage of drainage system and not to use their drainage system.
6. No details of colour of render.

Officers comments: In terms of points 3 and 5, these are civil matters between the applicant and the local residents. Also, there are no protection trees within the site. As such, these comments cannot be taken as planning material considerations. In terms of points 1, 2, 3 and 6 these are planning materials and will be considered in the relevant sections of this report.

RELEVANT POLICIES

- For ease of reference, the Residential Extensions and Alterations SPD will be referred to 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 (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

MAYORAL CIL IMPLICATIONS

The proposal includes the creation of less than 100sqm of residential Gross Internal floor Area (GIA) and is therefore not liable for CIL payments.

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. 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.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy 26 seeks to ensure that new development is of the highest standard of design which respects, reinforces and complements the local street scene and are informed by the distinctive qualities, identity, character and geographical features of the site and local area. In particular, the form, scale, massing, height of the surrounding neighbouring buildings, public amenity and detailed design.

In this respect guidance set out in paragraph 9.5 of the Residential Extensions and Alterations SPD states that:-

"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, outbuildings should not detract from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling".

Paragraph 9.6 goes on to say

"The design of outbuildings should reflect their intended use. Outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties".

The replacement outbuilding is single storey in height at 2.6m above ground level and 200mm high below ground level with a flat felt roof. The footprint would be approx. 6m deep and 4.2m wide. The proposal is located at least 16m away from the rear elevation of the dwelling at the bottom of the rear garden. The proposed flank wall would be setback of at least 80mm to the adjoining shared boundary to the west. The internal layout of the outbuilding comprises of a gym, shower and storage room. There is 1 double doors and slim floor to ceiling height window panels sited on either side of the doors situated on the front elevation (facing the host building).

The part retrospective proposal is of a modest size, scale and mass that is typical form of outbuilding acceptable within a plot of this size. The proposal consists of minimal fenestration with flat roof and finished in composite outdoor cladding, its colour is 'spiced oak'. If planning permission is granted a condition would be imposed that materials should be per the application form and cladding for the external walls. The design is common characteristic for an outbuilding of this style. It would be necessary to impose a planning condition to restrict the use for purposes incidental to the enjoyment of the house to comply with Havering's Residential Extensions and Alterations SPD. It is considered that the proposal is of subordinate scale to the existing dwelling and in keeping with the character of the rear garden environment in accordance with Havering's Residential Extensions and Alterations SPD.

The outbuilding will also would be mainly visible from the rear garden area apart for oblique views from the spaces between the properties.

Furthermore, it is considered that the outbuilding would not unacceptably impact on the rear garden, mindful of the various styles and designs of outbuildings nearby.

In all it is considered the scale of the outbuilding to the rear does not unacceptably impact the existing host building or in context of the large rear garden, adjoining properties or the surrounding area and no objections are raised. Or to warrant a reason for refusal on design or appearance grounds.

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.

Consideration has been given to the amenity impact of the proposal on the adjoining properties, primarily in respect of privacy, overshadowing and loss of daylight/sunlight to Nos. 51 attached (east), 55 attached (west) Elm Park Avenue and nos. 70 (narrow part of the rear garden) and 72 Benhurst Avenue (north, backs onto the rear garden of the application).

Due to the siting and nature of the works, when comparing the existing to the current situation, it considered that the proposal would still not create unacceptable amenity issues, as the building is still single storey in height at 2.6m above ground level and 200mm high below ground level and retains a gap of at least 80mm from the shared boundary to the west (who also has a rear outbuilding at 3m deep). Plus, the attached adjoining property to the east at no. 51 has erected a 4m deep outbuilding. When comparing existing to current situation, the additional 2 to 3m deep projection on either neighbour would create minimum impact in terms of sunlight/daylight to warrant a reason for refusal, as the purpose of these outbuilding are incidental space to the enjoyment of the dwellinghouse.

It is acknowledged that the replacement outbuilding backs onto the rear gardens of nos. 70 (narrow

part of the rear garden) and 72 Benhurst Avenue (further north)), who also both have some type of outbuilding in their back gardens. Also, the main openings would be on the southern elevation facing onto the existing host building. Plus, it is considered that the development would not create unacceptable amenity issues, as there is a retained gap of at least 20m from the rear elevations of the adjoining properties to the east (and further east) and west and to the properties further north.

Given the above, officers consider that the overall height and massing is to be modest and any level of overshadowing and loss of light would not be material. Furthermore, taking into account of 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 warrant a reason for refusal on amenity grounds.

In terms of noise from construction of works on site, planning consent is granted a condition would be imposed that works can only be carried out 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. Also, in terms of noise from the outbuilding when gym equipment or other noise distribution, this should be reported to our colleagues in Environmental Health to investigate, as the planning department has no control over this matter. As such, there is no grounds for refusal on construction works on site or noise from the outbuilding, as the building is for the enjoyment of the single family dwelling house.

For the reasons set out above it is considered that the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light.

As stated above, with a recommendation to grant planning permission, a condition could also be imposed that ensures the use of the outbuilding remain incidental to the enjoyment of the existing dwellinghouse on site. This is to safeguard neighbouring amenity and potential harmful impact upon the character of the area should the plot be subdivided.

In all, the development is considered to fall within the spirit of adopted guidelines for householder outbuildings.

HIGHWAY/PARKING

No highway issues.

KEY ISSUES/CONCLUSIONS

Given the above, the application is considered to be in accordance with the abovementioned policies and guidance and approval subject to conditions is recommended.

RECOMMENDATION:

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

1 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.

2 SC10C Materials as per application form

The development hereby approved shall be constructed in accordance with the materials detailed under Materials Section of the application form and composite outdoor cladding colour is 'spiced oak' 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.

3 SC33 (Incidental Use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the gym/shower/storage rear outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house at no. 53 Elm Park Avenue, Hornchurch and not for any trade or business nor as living accommodation.

Reason:-

To restrict the use to one compatible with a residential area.

4 SC62 (Hours of construction)

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

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.

Authorising Officer:

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

Raphael Adenegan

5th February 2025