

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1236.24

WARD: Cranham **Date Received:** 12th September 2024

ADDRESS: 21 The Fairway
Upminster

PROPOSAL: Demolition of existing dwelling and erection of two storey dwelling with habitable roof space, relocated dropped kerb, associated landscaping and patio area to rear

DRAWING NO(S): 068_PL_001
068_PL_021 P2
068_PL_022 P2
068_PL_023 P3
068_PL_024 P3
068_PL_025 P3
068_PL_026 P3
068_PL_027 P3
068_PL_028 P3
068_PL_029 P3
068_PL_030 P2
068_PL_020 P4
068_PL_031

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 has a detached dwelling located on a residential street road located within Zone B of the Hall Lane Policy Area. It is not a Listed Building and is not located in a Conservation Area.

DESCRIPTION OF PROPOSAL

The proposal seeks planning permission for the demolition of the existing dwelling and the creation of a two storey dwelling with habitable roof space, relocated dropped kerb, associated landscaping and patio area to rear.

RELEVANT HISTORY

P0136.99

Single storey rear extension

Apprv with cons

12-03-1999

CONSULTATIONS/REPRESENTATIONS

Consultation to surrounding neighbours was undertaken and one objection has been received with the following comments:

- Impact on amenity- loss of light and overlooking.
- Impact on character and design.

These points will be carefully considered in this report.

Fire Brigade - no objection.

LBH Ecology Advisor - no objection subject to conditions.

LBH Public Protection - no comments received.

LBH Street Naming and Numbering - applicant needs to apply.

LBH Highways - no comments received.

LBH Waste and Recycling - waste should be presented on frontage by 7am on collection day.

RELEVANT POLICIES

Policies D1 (London's form, character and capacity for growth), D4 (Delivering good design), D6 (Housing quality and standards), DF1 (Delivery of the plan and Planning Obligations), H1 (Increasing housing supply), H10 (Housing size mix), H13 (Specialist older persons housing), HC1 (Heritage conservation and growth), G2 (London's Green Belt), T5 (Cycling), T6 (Car parking) and T9 (Funding transport infrastructure through planning) of the London Plan 2021 are relevant.

The DCLG Technical Housing Standards document is relevant.

Policies 3 (Housing supply), 5 (Housing mix), 7 (Residential design and amenity), 10 (Garden and backland development), 24 (Parking provision and design), 26 (Urban Design), 27 (Landscaping), 33 (Air quality), 35 (On-site waste management) of the Havering Local Plan 2016-2031 (Adopted 2021).

Havering Householder Extensions and Alterations Supplementary Planning Document Adopted 2011

Havering Hall Lane Policy Area Supplementary Planning Document Adopted February 2009

The National Planning Policy Framework is relevant.

MAYORAL CIL IMPLICATIONS

The proposal includes the creation of an additional 135 square metres of gross internal area (GIA)

of residential space, therefore it is liable for CIL payments.

The pre-existing dwelling had 172 square metres of gross internal area (GIA) and the new dwelling would have 427 square metres of gross internal area (GIA).

STAFF COMMENTS

In terms of the principle of the development, Policy 3 (Housing supply) of the Havering Local Plan 2016-2031 (Adopted 2021) states that 'ensuring an adequate supply of high quality housing in Havering is essential in ensuring that the borough is a place where people want to live and where residents are able to stay and prosper. The Council will take a pro-active approach to increasing the amount housing within the borough and will encourage the effective and efficient use of land by reusing previously developed land'. The proposal is for the demolition of the existing dwelling and rebuild a larger house. It would be a replacement dwelling and is consistent with planning policy, as the application site is within a sustainable location in an established urban area. On this basis, the proposal is considered to be policy compliant in land use terms and is therefore regarded as being acceptable in principle.

The replacement dwelling would meet the minimum space requirements. In this instance, the proposed house would be acceptable when assessed against London Plan Policy D6 (and Table 3.1) and the DCLG Technical Housing Standard. The submitted plans demonstrate that the layout of the property would be acceptable, leading to good quality of living accommodation for future occupiers. All habitable rooms have windows and a reasonable outlook. The rear garden would be adequately sized, of regular shape, be easy to use and practicable.

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 site is located in Zone B of the Hall Lane Policy Area and the Havering Hall Lane Policy Area Supplementary Planning Document states that where planning permission is needed for the improvement or extension of existing houses, if the new work is complementary to the existing dwelling and a useful building is to be given a further lease of life, the application will be considered sympathetically. Single family detached and semi-detached homes with a minimum area of 116 square metres will be allowed on a site area of 370 square metres and a 10m frontage. The proposal is a rebuild of an existing detached dwelling on a large site.

The development would involve an increase in the ridge height of the existing dwelling by 0.4m to 0.9m. Increases in the ridge height of a building is rarely acceptable, however in this case, it would increase the ridge height of the property to no more than the larger neighbouring properties. The increased ridge height would be considered to complement the street scene, creating an increased

uniformity in the locality and enhancing the character of the area. The proposed works to the roof to accommodate habitable space would be considered acceptable. The roof gables would not appear out of place, for example no.2, 6, 11, 14, 19, 20 and 26 have full gabled roofs. The plans were amended during the course of this planning application to ensure that both sides of the dwelling have hipped ended rooflines.

The new dwelling would largely follow the existing footprint of the building; the parts that do not follow the existing footprints are discussed below:

The proposed single-storey rear projection is to be approximately 4m to 5.4m metres in depth, failing to adhere to SPD guidance but in this case it is considered acceptable as the projection would be within the existing rear building lines created by dwellings or outbuildings so it would not appear out of place. There is limited concern regarding the street scene as the rear extension would not be visible from the street. The proposed flat roof was reduced to 3m in height during the course of this planning application to meet SPD guidance.

The slightly larger ground floor front projections would be considered to integrate with its established context due to the scale and massing of surrounding properties, with the locality characterised by large detached dwellings.

The plans were amended during the course of this planning application to reduce the scale and bulk so that the building lines of both neighbours are carefully considered and complimented.

The design of the proposed works are considered to be acceptable and integrate well with the context, enhancing the street. There are no other design concerns related to the proposed development. The proposal respects the visual integrity of the area and its established scale, in line with policy 26 of the Havering Local Plan regarding high quality design.

Overall, the proposed changes do not pose harm to the visual appearance of the host site or surrounding area and are generally in accordance with planning policy and guidelines.

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.

Local Plan Policy 7 seeks to protect the amenity of existing and future residents the Council will support developments that do not result in:

- i. Unacceptable overlooking or loss of privacy or outlook;
- ii. Unacceptable loss of daylight and sunlight; and
- iii. Unacceptable levels of noise, vibration and disturbance.

It is considered that the proposed replacement dwelling at the ground floor would not unacceptably impact on the amenity of the adjacent residents due to loss of light as the rear projection would be within the existing rear building lines created by dwellings or outbuildings and the 3m high roof will be modest and not unduly bulky. The slightly larger ground floor front projections would have

minimal additional impact compared to the existing situation.

The plans were amended during the course of this planning application to reduce the scale and bulk of the first floor so that the impact on neighbouring amenity would be minimal compared to the current site situation.

The development would involve an increase in the ridge height of the existing dwelling by 0.4m to 0.9m; the overshadowing due to roof bulk would be minimal compared to the current site situation.

A condition can be applied to any approval to ensure that flank windows are obscure glazed and fixed shut 1.7m below the internal floor level to ensure that there would be no overlooking or loss of privacy issues. The plans were amended during the course of this planning application to ensure that the sill of the roof lights sit above 1.7m to avoid overlooking.

If approved, a condition should ensure that the flat roof of the extensions are not used as balcony areas to prevent overlooking.

For the above reasons, the proposed replacement dwelling is considered to be acceptable and not likely to result in significant or undue amenity impacts to neighbours.

HIGHWAY/PARKING

The proposal would retain ample space on the property for car parking. Havering Highways Officers have no significant concerns with the overall proposals.

OTHER ISSUES

In terms of ecology issues and Biological Net Gain requirements, the Council's Ecology Advisor reviewed the submitted Preliminary Roost Assessment (Arbtech May 2024), Bat Emergence Surveys (Astute Ecology, August 2024) and the relevant plans and documents relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain. There is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Bat Emergence Surveys (Astute Ecology, August 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality. Conditions are suggested.

KEY ISSUES/CONCLUSIONS

In 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.

The proposed development is considered to be generally in accordance with the above mentioned policies and guidance. It is therefore recommended that planning permission is granted, subject to conditions.

RECOMMENDATION:

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

1 SC4 (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 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.

3 SC10C Materials as per application form

The proposed development hereby approved shall be constructed in accordance with the materials detailed under the 'Materials' section of the application form 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.

4 SC06 (Parking provision)

Before the building(s) hereby permitted is first occupied, 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.

5 SC46 (Standard flank window condition)

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.

6 SC34 (Obscure glazing) ENTER DETAILS

The proposed first floor flank windows including windows in the roof slopes shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and fixed shut 1.7m above the internal floor level and shall thereafter be maintained.

Reason:-

In the interests of privacy.

7 SC48 (Balcony condition)

The roof area of the extension 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.

Reason:-

In the interests of the amenity of the occupiers of neighbouring dwelling.

8 SC11 (Landscaping) (Pre Commencement Condition)

Prior to the inhabitation of the development hereby approved, there should be a report submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include evidence of land levels on the site and details of all existing and proposed trees and shrubs on the site. 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 and any alterations to the land levels. Submission of a scheme prior to commencement will ensure that the development achieves a satisfactory level of landscape quality.

9 SC13B (Boundary treatment) (Pre Commencement)

Prior to the inhabitation of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. 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 and prevent undue overlooking of adjoining property.

10 SC45A (Removal of permitted development rights) EDIT DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development.

11 Hard Surface Porus/Run-off - dwelling

The hard surface hereby approved (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 dwellinghouse.

Reason:-

In order to ensure no water run-off from the hard surface which would contribute to risk of flooding

12 Building Emissions

The development hereby approved shall be fitted with Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boilers shall be carried out in strict accordance with these details and shall thereafter be permanently retained.

Reason: To minimise the impact of building emissions on local air quality.

13 Electric Vehicle Parking Active Provision (all spaces)

Prior to the first occupation of the development hereby approved, the residential parking space(s) shall be provided with active vehicle charging facilities for electric or Ultra-Low Emission vehicles.

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.

14 Non Standard Condition 31

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence Surveys (Astute Ecology, August 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

15 Non Standard Condition 32

Prior to any works above slab level, a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of

the (Bat Emergence Surveys (Astute Ecology, August 2024)), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a)
Purpose and conservation objectives for the proposed enhancement measures;
- b)
detailed designs or product descriptions to achieve stated objectives;
- c)
locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d)
persons responsible for implementing the enhancement measures; and
- e)
details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

INFORMATIVES

1 Approval following revision ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 38 of the National Planning Policy Framework, improvements required to make the proposal acceptable were negotiated with the agent via email on 21.11.24. The revisions involved a reduction in the scale of the dwelling and changes to the roof design as well as roof light amendments. The amendments were subsequently submitted on 9.1.25 and 6.2.25.

2 Approval and CIL (enter amount)

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The Mayoral CIL levy rate for Havering is £25/m² and is chargeable for each additional square metre of residential gross internal (GIA). Based upon the information supplied with the application, £3375 would be payable.

The proposal is also liable for Havering Council's CIL. Havering's CIL charging rate for residential is £125m² (Zone A) for each additional square metre of GIA. Based upon the information supplied with the application, £16875 CIL 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>

Authorising Officer:

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

Raphael Adenegan

14th February 2025