

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1475.24

WARD: Emerson Park **Date Received:** 5th November 2024

ADDRESS: Land to the rear of 30 Wykeham Avenue
Hornchurch

PROPOSAL: Proposed change of use and re-model to existing studio building to provide 1-bedroom annex with associated parking and amenity.

DRAWING NO(S): 24.116/01 C
24.116/02 C
24.116/03 C
24.116/04 C

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

CALL-IN

This application is the subject of a call-in by Councillor Laurance Garrard, the reasons for which are summarised as follows:

- No provision for ventilation for the bathroom nor any kitchen extraction
- Concerned that annexe would be used as a separate dwelling

SITE DESCRIPTION

The application site features a detached outbuilding at the rear of 30 Wykeham Avenue. The site is not listed nor is located in a conservation area but is the subject of a Tree Protection Order.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the proposed change of use and re-modelling of the existing studio building to provide 1-bedroom annex with associated parking and amenity.

1. In an email to the case officer dated 06/02/2025, the agent confirmed that permission was being sought for a self-contained unit.

RELEVANT HISTORY

30 Wykeham Avenue

P0072.89 - Demolition of no. 30 Construction of 3 no. Detached Dwellings with Integral Garages (Refused)

P0768.24	Conversion and extension of existing outbuilding to habitable living space ancillary to main dwelling with amenities and landscaping including an extension to existing vehicular crossover to provide parking
	Refuse 03-10-2024
T0005.13	xx
	Non standard dec 24-03-2016
P0506.09	Part convert garage to hobby room
	Apprv with cons 09-06-2009
P0959.01	Single storey rear extension
	Apprv with cons 15-08-2001
P1459.00	Single storey side extension
	Apprv with cons 06-12-2000
P0296.00	Single storey side extension
	Apprv with cons 12-05-2000
P0749.93	Detached garage. (Revised plans received 23/8/93)
	Apprv with cons 10-09-1993
P0755.93	1st floor side extension
	Apprv with cons 05-08-1993

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupants were consulted regarding this application. The representations received can be summarised as follows:

- Concerned site would be overdeveloped and proposal would not be in-keeping with area
- Concerned about impacts of safety of pedestrians
- Concerned about impacts of soft landscaping loss on surface water run-off from hardstanding
- Concerned about impacts of proposal on amenity of local residents
- Concerned about loss of privacy, impacts of cooking smells and noise

The following consultees below were also consulted about the application:

* Anglian Water - No comments

* London Fire Brigade (Hydrant Officer) - No additional hydrants required. Happy for works to go ahead as planned

* London Fire Brigade (Fire Safety) - No comments

* LBH Highways - No response

- * LBH Public Protection - No objections on noise, land contamination or air quality grounds. Recommended condition relating to operational times were planning consent to be granted.
- * LBH Street Name and Numbering - Application will be required to be street named and numbered
- * LBH Waste and Recycling - Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Wykeham Avenue on the scheduled collection day.
- * Tree Consultant - Support subject to conditions being imposed relating to the protection of trees within the site

RELEVANT POLICIES

- * NPPF
- * 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 T6 - Car parking
- * Havering Council Local Plan (2016-31)
 - Policy 7 (Residential design and amenity)
 - Policy 24 (Parking provision and design)
 - Policy 26 (Urban Design)
- * Residential Extensions and Alterations Supplementary Planning Document (SPD)

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

An in-person site visit was not undertaken by the case officer to the application site as one was not deemed to be necessary. Site photographs were provided by the agent in support of this application. In determining this planning application, photographs, Google Street View, aerial view images and submitted drawings were used to assess the site's constraints.

This application is a resubmission of a previously refused planning application P0768.24. The key issue in this case therefore is whether the revised proposal overcomes the previously stated concerns. The previous application was refused planning permission for the following reasons:

1. The proposed outbuilding, by reason of its configuration resulting in the subdivision of the plot and due to the scale and mass, would form an incongruous feature within the rear garden environment of Wykeham Avenue and street scene of Fanshawe Crescent, something which would be in contrast to other smaller domestic outbuildings typically found in the locality. As such, it would appear as uncharacteristic intrusion in the locality that would be contrary to the pattern of the development in the area, contrary to Local Plan Policies 7 and 26 and the Residential Extensions and Alterations Supplementary Planning Document.

2. The proposed outbuilding would be likely to function as a self-contained residential unit in the rear garden scene would result in additional comings and goings associated with an independent use of a building, resulting in unacceptable impact upon the amenities of the adjoining neighbours, contrary to Policies 7 and 26 of the Havering Local Plan 2021 and the Residential Extensions and Alterations Supplementary Planning Document.

This application differs from the previously refused scheme in the following key areas:

1. A front extension is no longer proposed to the outbuilding.
2. Whereas P0768.24 proposed a double bedroom annex ancillary to the dwelling at 30 Wykeham Avenue, this application proposes a single bedroom self-contained annex.

DENSITY/SITE LAYOUT

An annexe is either a building or part of a building associated with a dwelling that is either permanently, or capable of being permanently used for additional living accommodation, provided to give the occupier(s) of the annexe a degree of independence from the main household. There is no preclusion against annexes in policy terms however the acceptability of an annexe is finely balanced as there are many factors to be considered. They are, generally, assessed on their own merits, proportionate to their intended use.

The SPD states that a residential annexe is defined as accommodation ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The annexe must form part of the same planning unit, sharing facilities, including access, parking and garden areas and in the event of approval, the Council would impose conditions or seek other measures to prevent an annexe from being occupied independently.

However the layout, design and physical relationship between the house and the proposed annexe are important considerations also, and the proposed annexe must demonstrate clear and tangible connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. In addition the outbuilding should be subordinate in scale to the existing dwelling and to the plot.

During the application process, the case officer invited the agent to provide details about who the proposed annex would be used by, how it would be used and how often. They were also invited to explain how they considered that the annex demonstrates a compelling relationship to the main property.

In an email to the case officer dated 06/02/2025, the agent stated that the application proposes a self-contained unit for an elderly relative of the applicant. They stated that "The existing property is separated from the host dwelling in terms of amenity and provided existing access and parking. The application is simply for the uplift and change of use to a self-contained annex. The unit is not an ancillary annex as it doesn't rely on parking etc from the host dwelling and this is more self-contained."

One reason that the previous application P0768.24 was refused was because of the proposal's likelihood to function as a self-contained unit. In response to that refusal reason, the submitted design and access statement for this application states that "The revised submission seeks permission for 1-bedroom unit with associated parking and amenity. This is a change of use only and as a result the external changes would be newly rendered exterior only. The parking provision would be reduced to provide a single parking space without gated entrance, whereas currently measures were in place for 2 vehicles and gated entrance. It is anticipated that the vehicle movements would be reduced as a result."

As the proposal seeks to provide self-contained accommodation, the Local Planning Authority will apply the standards for new residential units set out in Policy D6 of the London Plan.

Policy D6 requires that new residential development conforms to minimum internal space standards, with there being 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. These standards are reflected in the Havering Local Plan where at Policy 7 it requires compliance with the space standards referenced above.

Having applied the standards to the proposal, the one bedroom self-contained annex would exceed the required gross internal area for a 1 storey 1B1P unit and also meet the standards set out for bedroom sizes.

In the absence of section drawings, however, it cannot be established whether the floor-to-ceiling height of the unit would meet the minimum requirements of Policy D6 and there are also no floor plans submitted showing the extent of floorspace within the annex either.

It is considered that the habitable rooms of the annex would receive sufficient light and outlook and that the garden amenity space would be acceptable for the occupant of a 1B1P unit. It is noted that the bathroom would not benefit from a window but this is not considered to be so harmful so as to warrant a refusal of the application given it is a non-habitable room and the occupancy of a self-contained unit with a bathroom without a window would be a matter of choice for any future occupants.

Whilst officers would not question the intent to provide accommodation for family, the site layout and visual characteristics can be likened to the detached dwelling. The submitted plans show that the annex would have a single bedroom, a shower room, living area and kitchen. There would also be parking space for one car to the front of the outbuilding as well as a front terrace area.

As such, it would feature all primary facilities which would be expected of a self-contained unit and would meet with the prescribed internal spacing standards for such a dwelling.

The self-contained annexe would have facilities which could allow the unit to operate without any reliance on the host property, it would be capable of being accessed independently of the main dwelling (from Fanshawe Crescent) and would be located approximately 30m away from the main dwelling.

Therefore, whilst it is noted that the intended use is for a family member of the applicant, due to the annex being able to function separately, it is considered that applying a condition for the annex to only be used by family members in the event of an approval would be difficult to enforce and monitor. There is concern that it could be used as a separate unit of accommodation by somebody other than a family member of the applicant in the future. Furthermore, even if the premises were to be used by a family member, given the facilities the annex would contain, it is not clear as why there would be a need to visit the main house.

An annexe, in much the way as an outbuilding for incidental purpose should exhibit subservience and a clear and tangible connection to the main dwelling. However, officers would contend that the provision of a detached building with the layout shown would in effect the proposal would form an independent dwelling unit.

Officers consider that in the format shown it would have a harmful impact on the character and appearance of the surrounding area because the character of Fanshawe Crescent and Wykeham Avenue is of detached and semi-detached two-storey dwellinghouses with ancillary outbuildings in their rear gardens and not of single storey self-contained annexes. Consequently, officers are of the view that the proposal would set an undesirable precedent which would contribute to the overdevelopment of the site that goes against the pattern of development of the surrounding area.

On this basis, it is considered that the proposed use as a self-contained annexe does not enhance, maintain or improve the character of the garden scene and does not respond to the pattern of development. The proposal cannot be considered to be an annexe, as defined in the SPD and could ultimately function as a self-contained residential unit.

For these reasons the proposal is considered to be contrary to planning policy and guidelines and the proposed use would be out of character in the rear garden environment.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Consideration has been given to the design of the proposal and its impacts on the character and appearance of the surrounding area.

The only external alteration to the outbuilding proposed under this application is the addition of a high level flank window and new rooflight to the structure, both of which would serve a bedroom. No objections are raised to these openings from a visual standpoint.

As mentioned in the Density/Site Layout section above, however, there are concerns that the proposal would have a harmful impact on the character and appearance of the surrounding area because the character of Fanshawe Crescent and Wykeham Avenue is of detached and semi-detached two-storey dwellinghouses with ancillary outbuildings in the rear garden environment, not of single storey self-contained annexes.

Consequently, officers are of the view that the proposal would set an undesirable precedent which would contribute to the overdevelopment of the site that goes against the pattern of development of the surrounding area. Consequently, the first refusal reason is judged to not have been overcome by the revised proposal.

IMPACT ON AMENITY

Consideration has been given to the impacts of the proposal on neighbouring amenity, particularly in terms of loss of light, overshadowing, overlooking and loss of privacy.

The proposed high level flank window and new rooflight to the outbuilding would both face the street, a public area, and so are not envisaged to harm neighbouring amenity, particularly in terms of overlooking and loss of privacy.

However, it is considered that the effect of a self-contained unit of accommodation dwelling would be detrimental to the living conditions of immediate neighbours. Of particular concerns is noise and smells emanating from the self-contained unit hard up along the common boundary with 28 Wykeham Avenue and 11 Walden Way and staff also envisage that there would be comings and goings to the proposal as a result of its use that would result in a significant change in the level of disturbance to the rear garden environment and the amenity of neighbouring properties.

Therefore, it is considered that the proposed annexe would result in a significant and undue impact on the amenity of neighbouring properties pursuant to Policy 7 of the Local Plan as well as the SPD. Consequently, the second refusal reason is judged to not have been overcome by the revised proposal.

HIGHWAY/PARKING

The Public Transport Accessibility Levels (PTAL) rating for the site is 2 which translates to poor access to public transport.

Policy 24 of the Local Plan indicates that 1 bedroom units situated within a outer London area with a PTAL of 2-3 should benefit from a maximum of 0.75 spaces per unit.

The submitted drawings indicate that the site would be capable of accommodating one car, which would comply with the policy stated above.

Visibility splays from the parking area are shown on the submitted drawings and are considered acceptable so it is not considered the proposal would affect the safety of pedestrians.

REFUSE AND CYCLE STORAGE

It is considered that there is sufficient space within the site to provide refuse and cycle storage.

OTHER ISSUES

It is acknowledged that some hardstanding within the site would be replaced by grass as a result of the proposal but it is not considered that this would effect surface water run-off from existing hardstanding from within the site.

BIODIVERSITY NET GAIN (BNG)

The proposed development does not involve any extensions to the existing outbuilding and there no loss of soft landscaping proposed as part of the scheme. Therefore, it is not considered that the application is required to deliver BNG.

KEY ISSUES/CONCLUSIONS

The development is considered to be contrary to the above-mentioned policies.

A REFUSAL is therefore recommended.

RECOMMENDATION:

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

1 Refusal non standard

The proposed 1-bedroom annex, which would function as a self-contained residential unit within the application site, would by reason of its limited floor-to-ceiling heights and storage space result in a unit of accomodation that would be of a low quality design and therefore detrimental to future occupants, contrary to the provisions of Policy D6 of the London Plan and Policy 7 of the Havering Local Plan.

2 Refusal non standard

The proposed 1-bedroom annex, as a result of functioning as a self-contained residential unit within the application site, would not correspond with the local pattern of development of domestic and ancillary outbuildings within rear gardens of the locality and would also result in additional comings and goings associated with the independent use of the building, which would have an unacceptable impact upon the character and appearance of the surrounding area and amenity of the adjoining neighbours respectively, contrary to Policies 7 and 26 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, notification of intended refusal and the reason(s) for it was given to the agent Craig Pallet via email on 14/02/2025.

Authorising Officer:

Simon Thelwell

14th February 2025

Simon Thelwell