

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1663.24

WARD: Rush Grn & Crowlands **Date Received:** 17th December 2024

ADDRESS: 3 Southern Way
Romford

PROPOSAL: Demolition of the existing garage and erection of two storey 2-bed, detached dwelling with associated parking and amenity space.

DRAWING NO(S): A00
A02
A03
A05
A07

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

SITE DESCRIPTION

The site lies on the eastern side of Southern Way, close to the junction with London Road, and currently contains a single-storey garage, on land that was (historically) the garden of no.3 (which is an existing two-storey semi-detached dwellinghouse).

The site is not listed or in a conservation area.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the construction of 1no. 2-bedroom dwelling in the form of a detached house with parking and an amenity space.

There are various refusals for a dwelling in this location and the latest (reference: P0369.20) was also dismissed at appeal by the Planning Inspectorate. The application was refused for the following reasons:

1. Reason for refusal - Layout

The proposed development would - by reason of its form, massing, appearance, prominent siting in relation to No.3 Southern Way, as well as its siting within the plot and distances from the boundary - result in a cramped form of development, would be unacceptable and uncharacteristic for the area, and would adversely impact on visual amenity in the street scene, and would be unacceptable when assessed against the National Planning Policy Framework

2019 , policies 7.4, 7.5 and 7.6 of the London Plan 2016 (MALP), policies DC3 and DC61 of the Havering Core Strategy and Development Control Policies DPD 2008, and the Residential Design SPD 2010.

2. Reason for refusal - Relationship to surroundings

The proposed extension would - by reason of its excessive depth, height, position and being close to the boundaries of the site - be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers, and would be unacceptable when assessed against the National Planning Policy Framework 2019 , policies 7.4, 7.5 and 7.6 of the London Plan 2016 (MALP), policies DC3 and DC61 of the Havering Core Strategy and Development Control Policies DPD 2008, and the Residential Design SPD 2010.

A pre-application request was made before the submission of this current planning application and the Planning officer advised that permission was likely to be refused.

RELEVANT HISTORY

W0199.24	New 2 Bedroom House Awaiting Decision
P0369.20	The erection of a two-storey, 1-bed, detached dwelling with associated parking and amenity space. Refuse 09-10-2020
P0760.19	Demolition of existing detached double garage and erection of a detached 2-storey 1-bedroom dwelling with associated parking and amenity space at Land adjacent to 3 Southern Way, Romford RM7 9PA. Refuse 09-07-2019
P1706.10	Demolition of existing garages and construction of 1-bed starter home Refuse 04-02-2011
P1100.08	Demolition of garage and carport and erection of 1No. bed detached house Refuse 04-08-2008
P2471.07	Demolition of garage and carport and erection of 1 No. 2 bed detached house Withdrawn 05-02-2008
P1404.06	Three bedroom detached house Refuse 12-09-2006
P1312.04	Three bedroom terraced house Refuse 09-09-2004

CONSULTATIONS/REPRESENTATIONS

Surrounding neighbours were notified of the proposal and two objections have been received with the following comments:

- Loss of privacy.
- Loss of light.
- Parking and traffic issues.
- Pressure on local infrastructure.
- Overdevelopment.
- Out of character.
- Already multiple planning refusals.

These issues are addressed in this report, although the impact on local infrastructure is not a material planning consideration.

Consultation responses:

- Public Protection - no objections subject to conditions.
- London Fire Brigade and Hydrant officer - no objection
- Waste - standard guidance no objection.
- Street naming and numbering - applicant needs to apply.
- Highways - object due to lack of adequate parking provision.
- Anglian Water - outside of their remit.
- Ecology Advisor - object due to lack of information regarding bats.

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

NPPF

Havering Householder Extensions and Alterations Supplementary Planning Document

MAYORAL CIL IMPLICATIONS

The proposals would incur a Mayoral and Havering CIL contributions of £1063.75 and £5318.75 based on 42.55sq.m of additional floor space (new dwelling minus floorspace of existing garage).

Mayoral CIL is charged at a rate of £25 per sqm and Havering £125/sqm.

Each contribution would be subject to indexation.

STAFF COMMENTS

The proposal would be assessed against the relevant policies and legislation to consider the principle of development, density and layout, street scene impacts, garden scene impacts, amenity impacts, parking, access and serviceability.

A site visit was not necessary and photos provided by the agent and satellite imagery were sufficient for the purposes of this assessment.

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. This will be explored in the conclusion of this report as requires further consideration.

On the 12th December 2024, the Government published the Housing Delivery Test result for 2023. The Housing Delivery Test Result for Havering for 2023 is 61%. 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 strong 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. For the reasons outlined within the officers report the proposed development is unacceptable. 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 broadly comparable to earlier iterations. 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 gross internal floor area of the unit would be 71 square metres and meets the standards of

Policy D6 which has a minimum area of 71 square metres for a 2-storey, 2-bedroom / 3-person unit.

The bedroom sizes meets the standards of Policy D6.

The dwelling would be dual aspect and habitable rooms would have a reasonable outlook.

The private amenity space would be adequate.

The minimum floor to ceiling height must be 2.5m for at least 75% of the gross internal floor area; this is likely to be met.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The Council recognises that much of the borough is suburban, characterised by spaciouly set up neighbourhoods with large private gardens. Intensification of these areas by development on gardens or back-land may provide valuable sources for housing. Development of such sites can be difficult as there are often a number of constraints. They require sensitive development and high quality design to ensure that the character of the area and the quality of life of existing and future residents is maintained.

Policy 10 of the Havering Local Plan 2016-2031 (HLP) is relevant as it states that 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. Policy 10 would need to be taken in conjunction with Policies 7 and 26 of the HLP which require fundamentally that residential development be of high quality design. Therefore compliance with the criteria of Policy 10 as set out in the preceding section of this report is not of itself justification for approval.

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 prevailing pattern of development in term of housing typology in the area is semi-detached and terraced housing so the narrow detached dwelling would appear out of place in the street scene. The new dwelling would by reason of its positioning very close to the site boundaries, squeezed into the site, would appear dominant and would unduly enclose the street scene at this location and appear as a visually intrusive feature in the street scene harmful to the character and appearance of the surrounding area. The proposed building would almost fill the entire width of the site, with negligible offsets from the boundaries of the site (0.6m). Given the nominal distances between the side elevations and the boundaries of the site the development as proposed is overcrowded and cramped within the site, and this is uncharacteristic for the setting of the donor property or the area

more generally. The design of the roof, with a mix of gable and hipped ends would be poorly designed and prominent.

The Inspector in the appeal decision of the latest planning refusal for a detached dwelling in this location (reference: P0369.20) wrote that although the dwelling would replace a detached garage in this location, the 2-storey scale and the overall mass of the building would look unduly cramped on the plot. They also wrote that the proposed detached dwelling would also be at odds with the form and appearance of the existing pairs of semi-detached and terraced dwellings. The introduction of a dwelling in this location would disrupt the overall rhythm of the area, resulting in a contrived and incongruous form of development. The Inspector's view is a material planning consideration and this current application should be refused for the same reason.

All matters considered, the provision of accommodation with the layout shown could be regarded as being at odds with the established urban grain and detrimental to local character.

IMPACT ON AMENITY

The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy 7 reinforces these requirements by stating that 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 impact on amenity to the host house at no.3 has been carefully considered due to the proximity to the application site. The footprint is longer compared to the last refused scheme (reference: P0369.20). The building would be situated to the south of the donor property at no.3 and there is a south-facing window located in the side elevation of the donor property; one of the 2020 application's refusal reasons was the impact on this window. However the Inspector in the appeal decision of the latest planning refusal for a detached dwelling in this location (reference: P0369.20) wrote that the building would not harm the amenity of the dwelling at no.3 so it would be difficult to refuse this current application on this basis.

The proposed building would have a greater separation distance from the other neighbour situated to the south at no.5 and the rear building line of the proposed building would protrude from the building line of no.5 at first floor level much further than the 2020 application. The first floor would protrude more than 3m in depth from the first floor rear of no.5 and so the building would have an adverse impact on this dwelling in terms of overshadowing, loss of light with an overbearing impact and sense of enclosure. This was not a refusal reason in the 2020 application but as the footprint of the proposal has changed, this should be a new reason to refuse the scheme.

The proposed building would introduce windows at first floor, and there is the possibility for an increase in the amount of perceived and actual overlooking to the neighbouring gardens. However, given the existing situation of the neighbouring properties (that they both have attached neighbours) this increase in overlooking would not be to an unacceptable level.

Overall, the development would be unneighbourly.

HIGHWAY/PARKING

The site has a Public Transport Accessibility Level (PTAL) rating of 1b which translates to a poor access to public transport. The London Plan 'Policy T6 Car parking' Table 10.3 identifies that a 3 bedroom dwelling in Outer London should have 1.5 spaces per dwelling for PTAL 0-1 areas (rounded up to 2) and a 2-bedroom dwelling should have 1 space per dwelling for PTAL 0-1 areas.

The host dwelling would lose on-site parking provision due to the loss of the garage and the hardstanding in front of it, failing to meet policy. The plans are inconsistent with the block plan showing only 4.1m on the site frontage and other plans showing 5m; with inconsistent accurate plans it cannot be assessed that there is actually adequate spacing on the site frontage to safely park. The Planning Officer did not request updated plans as the application was recommended for refusal for other reasons.

The proposed development would, by reason of the loss of parking for the host dwelling and inadequate evidence that the site frontage can safely accommodate a parking space, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary Policies 23 & 24 of the Havering Local Plan 2016-2031.

Details of refuse storage facilities and cycle storage have not been adequately shown on the plans but, if minded to approve, this can be secured by condition.

OTHER ISSUES

In terms of Biodiversity Net Gain requirements, there is no ecology report submitted. The site is exempt from Biodiversity Net Gain requirements.

Havering Council's Ecology Advisor has commented that an ecology report is required in particular relating to the likely impacts of development on bats (European Protected Species). The surveys are required prior to determination because Government Standing Advice indicates that you should "Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby".

However, in this instance, with the lack of evidence or reports that bats are present on the site, a bat survey is considered unnecessary. In the Natural England Advice - Bats: advice for making planning decisions document, it suggests that a bat survey is required if a building has little or no disturbance from artificial lighting, is close to woodland or water as well as other criteria. The site is not located in such an area. Nevertheless, an informative should be applied to any approval reminding the applicant of duties should any protected species be present.

KEY ISSUES/CONCLUSIONS

The adverse impacts identified above would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out in the NPPF. Refusal is recommended accordingly.

RECOMMENDATION:

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

1 Reason for refusal - Streetscene

The dwelling would form an incongruous feature in the street-scene and would be conspicuous through its positioning, poor design and lack of spacing which fails to take into account the character of the street and garden scene generally, and it would present as visually cramped within the site and prominent in the street scene. The proposals 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 Refusal non standard

The proposed dwelling would, by reason of its positioning, scale, bulk and proximity to the nearby property at no.5 Southern Way, be an intrusive, overbearing and unneighbourly development that would have a significant adverse effect on the amenities of these adjacent occupiers resulting in overshadowing, loss of light and 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.

3 Reason for refusal - Parking Deficiency

The proposed development would, by reason of the loss of parking for the host dwelling and inadequate evidence that the site frontage can safely accommodate a parking space, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary Policies 23 & 24 of the Havering Local Plan 2016-2031.

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 (MCIL2) contribution of £1063.75 (x £25 per sqm).

Havering CIL (HCIL) contribution of £5318.75 (x £125 per sqm).

Each contribution would be subject to indexation.

Authorising Officer:

Habib Neshat

Habib Neshat

20th March 2025