

## OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

**APPLICATION NO:** P0448.25

**WARD:** Beam Park **Date Received:** 28th March 2025

**ADDRESS:** 4 New Zealand Way  
Rainham

**PROPOSAL:** Erection of a two storey, two-bedroom dwelling with associated parking and amenity space following demolition of existing two outbuildings

**DRAWING NO(S):** 1036/01 C  
1036/02 C  
1036/03 C  
1036/04 C  
1036/05 C  
1036/06 C  
1036/07 C  
1036/08 C  
1036/09 C  
1036/10 C  
1036/11 C  
1036/12 C  
1036/13 C

**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 features land within the curtilage of 4 New Zealand Way, a two storey semi-detached dwellinghouse which benefits from a loft conversion to include 2 x front and 1 x rear dormer and a front extension. The site features outbuildings of 4 New Zealand Way and is not listed nor is located within a conservation area.

### **DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of a two storey, two-bedroom dwelling with associated parking and amenity space following demolition of existing two outbuildings.

### **RELEVANT HISTORY**

|          |                                                                                                                |                 |            |
|----------|----------------------------------------------------------------------------------------------------------------|-----------------|------------|
| P0617.16 | Installation of two front dormers to existing loft conversion                                                  | Withdrawn       | 10-06-2016 |
| P1913.15 | Installation of two front dormers to existing loft conversion                                                  | Apprv with cons | 03-06-2016 |
| P2014.07 | Two storey side extension and loft conversion including 5No front dormer windows and rear dormer               | Refuse          | 18-12-2007 |
| P1045.06 | Rear dormer window. Single storey front extension                                                              | Apprv with cons | 20-07-2006 |
| P1899.05 | Two storey side extension with porch and enclosed stairway and rear dormers to form 2 No. self contained flats | Refuse          | 05-12-2005 |
| P0865.05 | Two storey side extension and dormer windows to create 2 no. self contained flats                              | Refuse          | 28-06-2005 |

## CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers, including ones adjoining the application were consulted about the application and the representations received can be summarised as follows:

- Overbearing
- Proposal encroaches boundary of neighbouring property

Response:

Based on the plans submitted as part of the planning application for 2a New Zealand Way (reference: P1288.22), the red line around the application site (for this submission) appears to encroach on some of the curtilage of no. 2a. However, boundary disputes are a civil matter and not a material planning consideration. The other issue raised will be addressed below.

In addition to the above, the following comments were made by other stakeholders consulted about the application:

\*\* Anglican Water - No comments

\*\* Essex and Suffolk Water - No response

\*\* Thames Water - No response

\*\* Historic England (GLASS) - No comments

\*\* London Fire Brigade (Hydrant Officer) - No additional hydrants or no further action is required. Happy for works to go ahead on site as planned.

\*\* London Fire Brigade (Fire Safety Regulation) - No comments

\*\* LBH Public Protection - No objections on land contamination or air quality grounds. Recommended conditions relating to air source heat pumps were one to be proposed as well as electric vehicle parking.

\*\* LBH Highways: Concerned about potential increase in parking stress on highway due to proposal reducing amount of off-street parking available whilst simultaneously increasing demand for parking.

\*\* LBH Street Name and Numbering - No response

\*\* LBH Waste and Recycling - Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing New Zealand Way on the scheduled collection day.

## RELEVANT POLICIES

\* NPPF (2024)

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

\* London Plan (2021)

- Policy D3 - Optimising site capacity through the design-led approach
- Policy D4 - Delivering good design
- Policy D5 - Inclusive design
- Policy D6 - Housing quality and standards
- Policy D7 - Accessible housing
- Policy D11 - Safety, security and resilience to emergency
- Policy D14 - Noise
- Policy H1 - Increasing housing supply
- Policy H2 - Small sites
- Policy SI 5 - Water infrastructure
- Policy SI 13 - Sustainable drainage
- Policy T4 - Assessing and mitigating transport impacts
- Policy T5 - Cycling
- Policy T6 - Car parking
- Policy T6.1 - Residential parking
- Policy T7 - Deliveries, servicing and construction
- Policy T9 - Funding transport infrastructure through planning

\* Havering Local Plan (2016 - 2031)

- Policy 3 - Housing supply
- 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 27 - Landscaping
- Policy 32 - Flood management
- Policy 33 - Air quality
- Policy 34 - Managing pollution
- Policy 35 - On-site waste management

\* Supplementary Planning Guidance

- LB Havering 'Waste Management Practice Planning Guidance For Architects and Developers'

- London Plan Housing SPG (2016)
- London Plan Control of Dust and Emissions SPG (2014)
- London Plan Character and Context SPG (2014)
- London Plan Accessible London SPG (2014)

\* The Residential Extensions and Alterations Supplementary Planning Document (SPD)

## **MAYORAL CIL IMPLICATIONS**

Contributions would be required under CIL regulations. The proposal would result in a net increase of 108.07m<sup>2</sup>, which is rounded down to 108m<sup>2</sup>.

This would translate to a Mayoral CIL (MCIL2) contribution of £2,700 (x £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 £13,500.

Each contribution would be subject to indexation.

## **STAFF COMMENTS**

In accordance with the Council's current criteria for site visits, an in-person site visit was not conducted by the case officer as one was not judged to be necessary. Site photos provided in support of the application, Google Street View<sup>TM</sup>, aerial view images and submitted drawings were used to assess the site constraints.

## **PRINCIPLE OF DEVELOPMENT**

The acceptability of any submission is reliant on a number of policy considerations including Policy 10 of the Local Plan which requires consideration of the following:

- 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
- 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

The proposal is judged to comply with parts (i), (iv) and (v) of Policy 10. Part (vi) would not apply in this case as the application site is not located in the Hall Lane or Emerson Park Character Areas. Matters relating to part (ii) and (iii) will be addressed further on in the report.

## **DENSITY/SITE LAYOUT**

Having applied the standards set out in Policy D6 of the London Plan to the proposed development, although the proposal would the proposed dwelling would meet the required gross internal area for a 2 storey 2B3P unit as well as with regards to bedroom sizes and storage space.

In sharing a front and rear building line and forming part of the existing semi-detached pair of properties, the proposed dwelling would have dual aspect, however, due to the constrained site the main habitable room would only have a window to the front which is largely north facing. This is considered to provide substandard accommodation to this main habitable room through poor aspect, light and cross ventilation to this large living space to the detriment of the future occupiers. It is considered that adequate provision would be made for external amenity space both for the proposed dwelling and retained for the donor property in accordance with part (ii) of Policy 10. However, based on the submitted section drawings, the proposed dwelling would not meet the minimum standards for floor-to-ceiling heights set out in Policy D6.

On the above basis, it is considered that the proposed development would result in a low quality design at the detriment of future occupants which would not provide quality living accommodation, contrary to planning policy and guidance. The layout of the proposal is thus judged as unacceptable.

## **DESIGN/IMPACT ON STREET/GARDEN SCENE**

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

To that end, the character of this part of New Zealand Way predominantly features two storey semi-detached dwellings with gabled roofs though it is noted that there are a pair of hipped roof semi-detached dwellings as well as a terraced row of hipped roof semis at the corner of New Zealand Way with Dunedin Road.

The provision of a two storey dwellinghouse in the location proposed would result in the formation of a terraced row of properties, something which as mentioned above would be similar to other plots within the area that have utilised available land to the side to construct an additional dwellinghouse, such as no. 2a New Zealand Way (allowed under appeal following the refusal of P1288.22) as well as on the corner of New Zealand Way and Burwood Gardens further down the road where a new dwelling was constructed adjacent to the original semi-detached pair (approved under application P0012.15).

The submitted Design and Access statement contends that the proposal would not be out of keeping with the character of the site. However, the Local Planning Authority (LPA) disagrees with this view and considers that the site has an irregular layout that is somewhat constrained at the rear, something which would result in the proposal being situated in very close proximity to the rear boundary with no. 2a New Zealand Way, less than half a metre away. Given this very tight relationship between the proposal and the side/rear boundary, the proposal would result in cramped form of development that would have an incongruous relationship with the shared boundary with no. 2a New Zealand Way and wider street scene, something which would be detrimental to the character and appearance of the street scene and visual amenity of the locality.

Furthermore, the proposal has been designed to feature a hipped roof, something which would appear in sharp contrast to the gabled roof of no. 6 New Zealand Way. There are therefore also concerns that the proposed development, by reason of its hipped roof design, would appear as a visually obtrusive development within the locality that results in the formation of an unbalanced row of terraced properties. This would be in contrast to roof designs of the terraced properties of which are recent additions to New Zealand Way (referenced above), of which were in-keeping with the hipped roofs of the original semi-detached pairs that they were adjoined to.

It is acknowledged that there are a pair of semi-detached properties in close proximity to the application site (7 Dunedin Road and 1 New Zealand Way) that are unbalanced at roof level due to no. 7 Dunedin Road benefitting from a hip to gable roof conversion but Council records do not indicate that planning permission was granted for this extension, so it may have been done under permitted development.

The dwellinghouse would also benefit from a rendered rear dormer that would adjoin the dormer in-situ at no. 4 New Zealand Way. Its design appears to be an attempt to mimic the dormer of the donor property, but it should be noted that whilst planning consent was granted for a tile hung rear dormer that was set down from the ridge and in from the sides at no. 4 New Zealand Way (under application P1045.06), the dormer in-situ at that property was not built in accordance with those approved plans and is instead is built to the ridge, is rendered and is inappropriately incorporated into the property's gable wall. The rear dormer of the proposed dwellinghouse would be rendered and expanded across the entirety of its rear roof slope and therefore when viewed in combination with the rear dormer of the donor property to which it would adjoin, is considered to result in an

unduly prominent feature within the rear garden scene that would dominate and be out of character with the rear roof slope due to its materials, bulk, scale and massing, to the detriment of the visual amenity of the locality.

It is noted the Design and Access Statement references the appeal decision of P1288.22, where an end-terraced property adjoining no. 2 New Zealand Way was allowed following refusal by the LPA. However, that scheme has a different orientation and relationship to its side/rear boundaries and therefore is not comparable to the scheme proposed under this application.

Officers note that a sliding gate is proposed in front of the car parking space to the side of the site. However, insufficient information has been submitted in order for officers to judge the acceptability of this element of the proposal from a design standpoint.

Overall, therefore, the provision of an end-terraced dwelling with the design proposed is considered to be detrimental to local character. As such there would be conflict with the objectives of the Local Plan Policies 7 and 26 as well as paragraph 135(d) of the NPPF.

## **IMPACT ON AMENITY**

Consideration has been given to the impacts of the proposed development on neighbouring amenity.

The new dwelling would be situated to the west of the donor property and would not project any deeper than the donor dwelling no. 4 New Zealand Way. As such, it is not envisaged the proposed development would cause harm to the amenity of the occupants of the donor property, particularly in terms of loss of light and outlook. There are first floor rear windows of other two storey dwellings along the terraced row which overlook the rear garden of the donor property so it is not envisaged that any overlooking from the first floor rear windows of the proposed dwelling to the donor property would be any greater than overlooking which already exists within the locality.

The proposed dwelling would be situated to the north-east of 2a New Zealand Way. This property benefits from a small and shallow rear garden area, particularly the area behind its kitchen. The submitted plans show that the proposed dwelling would be located in very close proximity to the side/rear boundary of this property, approximately 0.3m away. It is considered that the combination of a two storey property that would be in close proximity to the boundary with this neighbouring residential property would have an overbearing impact which would result in a loss of outlook, increased sense of enclosure and loss of enjoyment of the immediate private amenity space of this property to the detriment of these neighbouring occupiers, contrary to part (iii) of Local Plan Policy 10 as well as Policy 7 of the Local Plan.

Given that there are first floor rear windows of other two storey dwellings within the locality which overlook the rear gardens of nos. 2 New Zealand Way and 9 Dunedin Road, any new views from the first floor rear windows of the proposed dwelling into these rear garden environments are not envisaged that any overlooking from the first floor rear windows of the proposed dwelling to the donor property would be any greater than overlooking which already exists within the locality.

Furthermore, the separation distance between the proposed dwelling and these two neighbouring properties means it is deemed the bulk, scale and mass of the proposal would not present any undue impact on the residential amenity of these neighbouring houses.

Due to the separation distance between the proposed development and all other neighbouring properties, it is not considered that the proposal would present any undue impact on the residential amenity of other neighbouring houses, particularly in terms of loss of light, outlook, privacy and overbearing impact.

## **HIGHWAY/PARKING**

The Public Transport Accessibility Levels (PTAL) rating for the site is 2 which translates to poor access to public transport. Policy T6.1 of the London Plan indicates that residential units with 1 to 2 bedrooms 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 proposed developments would benefit from one car parking space which would meet guidelines set out in Policy T6.1 therefore it is considered the scheme would benefit from sufficient parking.

In terms of the parking arrangement for the donor dwelling, the submitted plans show that there would be one 2.4m by 4.8m space directly to the front of the donor property as a result of the proposal. It is acknowledged that the application site is currently used as parking space for the donor dwelling (as shown by Google street view images from December 2020) and the loss of this area to the proposal would reduce the amount of parking space for vehicles at this property.

Based on the plans submitted for a loft conversion at the donor dwelling in 2015 (application reference: P1913.15) however, no. 4 New Zealand Way benefits from four bedrooms and Policy T6.1 of the London Plan indicates that residential units with 3+ bedrooms situated within a outer London area with a PTAL of 2-3 should benefit from a maximum of 1 space per unit. Based on the submitted plans, therefore, there would be sufficient parking for the donor dwelling as a result of the proposal. As such, it is considered unlikely that the proposal would result in parking stress.

However, the parking layout for the donor dwelling is considered to be contrived and impractical. Policy D5 of the London Plan requires that entrances into buildings should allow everyone to use them independently without additional effort, separation or special treatment. The vehicle of the donor dwelling would be required to park right up in front of its front door, something which would mean that parking and unloading of a vehicle would take place right outside the front door of the donor property and if the vehicle is parked in an inconsiderate manner will block access to the front door. It is difficult to envision access to the dwellings being convenient for all users/or visitors, particularly if the occupants utilise a large SUV. The parking arrangement for the donor dwelling is therefore considered to be obstructive and not well designed, making it difficult for the occupiers of the donor property to gain access and creating general obstruction to every day activities such as bringing goods, shopping, refuse, cycles etc. in and out of the property.

## **REFUSE/RECYCLING AND CYCLE PARKING**

It is considered that there is sufficient space within the site for refuse/recycling facilities and cycle parking facilities and these could be secured by condition in the event planning permission is granted for the scheme.

## OTHER ISSUES

### Biodiversity Net Gain (BNG)

The application form indicates that the proposed development would be self-build and for this reason would be exempt from BNG requirements.

A completed biodiversity metric calculation, showing the biodiversity value of the on-site habitat, was not submitted with this application.

The Biodiversity Supporting Statement submitted as part of this application states that "the project is suitable for Self Build eligibility as the applicant is a UK citizen and local builder; they meet the locality test as they work and live in within the locality, the property is for their family use. Therefore it is our understanding that the BNG is not required".

However, in order to qualify as self-build and custom housebuilding, for the purposes of the relevant BNG legislation, the development would need to comply with the definition contained in Section 1(A1) of the Self-Build and Custom Housebuilding Act 2015. This makes it clear that the new dwelling must be occupied by the person or persons responsible for carrying out or commissioning the building.

Furthermore, the national Planning Practice Guidance (the PPG) published by the Ministry of Housing, Communities and Local Government states that "In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout ... Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing."

Staff have taken into consideration the appeal of the planning application for 12 Ingrebourne Road, Rainham (application reference: P0915.24), where the Inspector was not satisfied that it had been demonstrated that the proposed scheme would be, or could be secured as, a self-build development and therefore could not benefit from the relevant exemption from the legal requirements relating to BNG. In that particular case, they commented that "... there is no indication as to who would be the occupier of the new dwelling, nor indeed whether their identity is yet known. There is also no indication that the occupier would be a person who has had a primary input to the design and layout. There is therefore no clear evidence that the development would be capable of meeting the definition of self-or custom-build housing."

Similarly, whilst the Biodiversity Supporting Statement indicates that the proposed dwellinghouse would be utilised by a family member of the applicant, no information has been provided about whether the occupier would be a person who has had a primary input to the design and layout.

Therefore, it is considered that no clear evidence has been provided that the development would be capable of meeting the definition a self-build development and consequently how the development benefits from the relevant exemption from the legal requirements relating to BNG.

## KEY ISSUES/CONCLUSIONS

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 modest contribution to housing supply and delivery and this would weigh in favour of the development.

However paragraph 135(d) of the NPPF requires developments to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Also, paragraph 135(f) of the NPPF requires developments to provide a high standard of amenity for existing and future users.

Paragraph 115(b) of the NPPF requires developments to provide safe and suitable access to sites for all users.

For the reasons outlined within the officers report the proposed development is unacceptable in regard to its character and appearance of the surrounding area, the quality of accommodation that would be provided for future occupants of the new dwelling as well for the donor dwelling and the impacts of the proposal on neighbouring amenity. There is also a lack of information with the submission about how the proposals would be capable of meeting the definition of self-build and therefore how the development benefits from the relevant exemption from mandatory BNG requirements - These are key aspects of sustainable development.

It is for the reasons given above that the Council maintains that the grounds for the refusal of the scheme are sufficiently strong and therefore that the adverse impacts of the scheme would significantly and demonstrably outweigh its benefits.

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

The proposed development is therefore considered unacceptable and a REFUSAL is recommended.

## **RECOMMENDATION:**

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

### **1 Refusal non standard**

The proposed development, by reason of its bulk, height, massing and proximity to the side/rear boundary with no. 2a New Zealand Way, would result in a cramped form of development that would appear as visually intrusive and incongruous within the plot, something which would be exacerbated by its hipped roof design and continuous rear dormer, adversely affecting the character and appearance of the street and rear garden scene and visual amenity of the locality. The proposed development would therefore be contrary to Policies 7 and 26 of the Local Plan as well as Paragraph 135(d) of 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 development, by reason of its inadequate internal floor to ceiling heights and lack of dual aspect to main habitable ground floor room would give rise to a poor quality development and substandard living conditions to the detriment of the amenity of the future occupiers, contrary to the provisions of Policy D6 of the London Plan and Policy 7 of the Local Plan.

### **3 Refusal non standard**

The proposed development, by reason of its proximity to the common boundary with no. 2a New Zealand Way, would form a visually intrusive and overbearing feature from the rear and rear garden of this neighbouring property which would result in a loss of outlook and an increased sense of enclosure to the detriment to the amenity of its neighbouring occupants, contrary to Policies 7 and 10 of the Local Plan. There would also be conflict with paragraph 135(f) of the National Planning Policy Framework which seeks to ensure a high standard of amenity for existing and future occupiers.

**4 Refusal non standard**

The proposed development is considered to result in a poor arrangement of parking space for the donor dwelling which is unlikely to be desirable or practically suitable for use by its occupants through obstructing and adversely affecting accessibility to the property, compromising day to day functionality and leading to a poor quality living environment, contrary to the provisions of Policy D5 of the London Plan and Policies 7 and 24 of the Local Plan.

**5 Refusal non standard**

Insufficient information has been provided to demonstrate that the proposed development would be capable of meeting the definition of a self-build development and consequently that the proposal would benefit from the relevant exemption from mandatory BNG requirements, contrary to Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.

## **INFORMATIVES**

**1 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 £2,700 (x £25 per sqm).

Havering CIL (HCIL) contribution of £13,500 (x £125 per sqm)

Each contribution would be subject to indexation.

**2 Non Standard Informative 1**

Were the outcome of this application to be the subject of an appeal, the Planning Inspectorate should note that the part of the application site appears to encroach on the curtilage of no. 2a New Zealand Way.

**3 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 reasons for it was given to the agent in writing 06/06/2025.

**Authorising Officer:**



Neil Goate

6th June 2025