

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0777.25

WARD: Elm Park

Date Received: 10th June 2025

ADDRESS: 8 Finucane Gardens
Rainham

PROPOSAL: Part conversion of ground floor into 1x bedroom flat, to share entrance, driveway and garden with main dwelling

DRAWING NO(S): SA03-16TH-01 REV 00
SA03-16TH-02 REV 00
SA03-16TH-03 REV 00
SA03-16TH-04 REV 00
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SA03-16TH-09 REV 00
SA03-16TH-10 REV 00
SA03-16TH-11 REV 00
SA03-16TH-12 REV 00
SA03-16TH-13 REV 00
SA03-16TH-14 REV 00

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

SITE DESCRIPTION

Residential, two storey mid terraced dwelling finished in pebble-dash and face brick. Parking on the drive to the front of the property. The surrounding area is characterised by two and three residential units. The property has been extended by way of a single storey rear extension and loft conversion with rear dormer.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the part conversion of ground floor into 1x bedroom flat, to share entrance, driveway and garden with main dwelling.

RELEVANT HISTORY

P1669.24	Loft conversion with dormers to front and rear Refuse	17-02-2025
D0351.24	Certificate of Lawfulness for a loft conversion with rear dormer and roof lights to front and erection of a single storey outbuilding to the rear to be used for a study and exercise place (home gym). PP not required	04-12-2024
Y0167.24	Single storey rear extension with an overall depth of 6m, a maximum height of 2.8m, and an eaves height of 2.8m. (PRIOR APPROVAL) Pr App Not Req'd	05-08-2024
P0213.02	Demolition and formation of larger garage Apprv with cons	28-01-2003
P0630.98	First floor rear extension Apprv with cons	21-07-1998

CONSULTATIONS/REPRESENTATIONS

No representations were received from neighbouring residents in response to this application.

In addition to this the following comments were received from other stakeholders:

- Anglian Water - Proposal is outside of Anglian Water area and therefore they have no comments
- London Fire Brigade (Water): No additional hydrants are required.
- London Fire Brigade (Fire Safety): No objections
- LBH Public Protection - LBH Public Protection were consulted and had no objections on land contamination or air quality grounds. No comments were received in respect to noise.
- LBH Waste & Recycling - Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Finucane Gardens on the scheduled collection day. Please refer to the planning guidance document attached
- LBH Highways were consulted but no comments were received.

RELEVANT POLICIES

Havering Local Plan 2016-2031

Policy 3 - Housing Supply

Policy 7 Residential design and amenity

Policy 9 Conversions and subdivisions

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 H9 - Ensuring the best use of stock

Policy T5 - Cycling

Policy T6 - Car parking

Policy T6.1 - Residential parking

LDF

SPD04 - Residential Extensions & Alterations SPD

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal would result in the creation of 1 additional dwelling but with no additional floor space created, therefore will not be CIL liable.

STAFF COMMENTS

The material planning considerations are the principle of the development, density and site layout, design and impact on the character and appearance of the surrounding area, impact on amenity, highways and parking and planning obligations.

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. Site photos were provided by the agent in support of the application. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

PRINCIPLE OF DEVELOPMENT

Principle of residential conversion and subdivision:

Local Plan Policy 9 part i states that the proposals must not conflict with surrounding uses.

Officer comment: The existing use of the extended dwelling is residential, therefore the proposed subdivision would not conflict with the existing residential use of site.

Part ii states : The existing house being subdivided has no less than 120 sq.m of original floor space, including internal circulation, and the subdivision would provide a minimum of one family unit of 3 or more bedrooms.

Officer comments: The original dwelling before it was extended had a floor area of approximately 83.62 sq.m. The application dwelling has been extended with a single storey rear extension as part of a prior approval application Y0167.24 and a loft conversion as part of Certificate of Lawfulness application D0351.24. The proposal would create 1 bedroom flat at ground floor with a shared entrance, driveway and garden with main dwelling.

The original GIA would be below the 120sq.m required threshold. The extended dwelling would still provide a four bedroom family unit due to the extension undertaken within the loft providing an additional two bedrooms. However, the resulting development creates a contrived layout. The bulk of the ground floor would be given over to the one bedroom flat, whilst the remaining ground floor accommodation for the 4 bedroom dwelling is narrow and cramped and the bulk of the living space is at first floor and within the converted loft space. Whilst technically a threebed plus unit would remain, it is considered that this would be a poor quality and unduly contrived layout, that is impractical and results in sub-standard accommodation compared to the family dwelling that currently exists. The Council therefore considers the proposal to be contrary to Policy 9 and that the development would result in an unacceptable loss of larger units within the Borough for which there is an identified need.

The justification for the recently adopted Policy 9, sets out the threshold of 120 square metres for the subdivision of houses, which the Council can confirm relates to all forms of dwellings, including flats, is to enable the retention of dwellings for smaller households and to resist the conversion of units up to this size threshold. Provision for other unit types can be made through the conversion of units in excess of 120 square metres.

Part iii states : The new family unit is preferably on the ground floor with direct access to private, good quality, usable amenity space.

Officer comment: The resultant family unit is primarily on the upper floors of the property. The amenity space to the rear of the property is contrived, appears to be shared by both the 4 bedroom house and the one bedroom flat, creating issues within accessibility and privacy. There appears to be an arrangement where the family unit would use the existing outbuilding at the rear of the garden but it is not explained how this arrangement would work in practicality. It is not considered to create private, good quality, usable amenity space. The proposal therefore fails to comply with Policy 9 iii.

Part iv states : The living areas of new properties do not abut the bedrooms of adjoining properties;

Officer comment: The bedroom of the ground floor flat would be adjacent to the kitchen of donor property which would not be a satisfactory relationship. The bedrooms of the family house would be situated directly above the living/dining room of the ground floor flat, which is not a desirable relationship.

Part v states : Safe, secure and convenient access is provided to each unit from the street.

Officer comments: The communal front porch (shared entrance) has a floor area of approximately 3.39 sq. m and would be the access for both units. Again, this is considered a contrived and impractical arrangement, with a shared entrance for both the family dwelling and the flat being a cramped and awkward arrangement. This is considered further evidence of the cramped, impractical and contrived nature of the proposal.

Part vi states: The parking standards set out in Policy 24 are met.

This matter will be dealt with in the parking section below.

Having regard to all of the above, the proposal is considered to be a poor quality arrangement and layout that would significantly diminish the quality and functionality of the existing family unit and create poor quality living accommodation for both occupiers of the larger dwelling and the flat, particularly with regard to internal layout, access arrangements and privacy and usability of the rear garden. As such it is considered it would fail to comply with Policy 9 of the Havering Local Plan 2016-2031.

On the 12th December 2024, the Government published the Housing Delivery Test result for 2023. The Housing Delivery Test Result for 2023 is 61%. In accordance with the NPPF the "Presumption" due to housing delivery therefore applies. Furthermore Havering cannot currently demonstrate a five year 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 and the Council is committed to an immediate update of the Local Plan. This is set out in the Council's Local Development Scheme. An update to the trajectory is being prepared but there is no firm date for the work to be completed. 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.

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 paragraph 11(d) of the NPPF.

The proposal is considered to be contrary to the aims and objectives of the Council's Local Plan Policy 9 and a refusal is recommended accordingly.

DENSITY/SITE LAYOUT

Policy D6 (Housing Quality and Standards) of the London Plan advises 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. 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 takes into account commonly required furniture and the spaces needed for different activities and moving around.

These standards are reflected in the Havering Local Plan 2016.2031 at Policy 7 which requires compliance with the space standards referenced above. The proposal would create a new dwelling as part of the proposal.

In terms of internal space standards, the Mayor has set these at 50m² for a 1-bed 2-person two ground floor flat or single storey dwelling. The proposed flats would adhere to this guidance with a floor area of approximately 52m².

The size of the double bedroom would be at least 11.5m² as the submitted drawing SA03-16TH-10 REV 00 shows the area being 12m² with a width of 3m which would be in excess of the 2.75m requirement.

The size of the bedroom for the ground floor flat would meet the internal space standards.

There are concerns regarding the narrow width of the proposed kitchen for the donor property as result of the proposed flat conversion with narrow galley way when considering the gap left after the kitchen cupboards are installed.

New dwellings must also demonstrate an acceptable arrangement of private amenity space. The London Plan (2021) offers guidance on this matter in the sense that minimum standards are present in Policy D6. It states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

Whilst the spatial element of the policy can be met, the proposal is not considered to create a suitably private and functional layout. The proposed new ground floor flat would have use of a shared garden. The bedroom to the ground floor flat would look onto the garden and there would be no defensible space. It would also be overlooked by the four bedrooms of the house and there is an odd arrangement whereby the existing outbuilding is intended by use of the family unit. Sub-division of the garden would be markedly out of character with the existing arrangement of development in the locality. It is considered that the arrangement of the amenity space and lack of privacy would be unacceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy 26 states that development must respond to distinctive local building form and patterns of development and respect the scale, massing and height of the surrounding context. The site contains flat type development, therefore the proposed conversion to add more flats would not change the appearance of the building.

No external changes are proposed to the front of the building, however, to the rear of the dwelling the existing bi-fold doors and window would be replaced with two rear doors and side windows with a window for the proposed ground floor flat in the middle. Majority of the other changes would be made internally. As such, it is considered that the proposal would not unacceptably impact on the street or rear garden environment from a visual point of view. However, any subdivision of the plot would be markedly out with character with the prevailing pattern of development.

IMPACT ON AMENITY

The Policy 7 of the HLP outlines that residential development should be of a high design quality that is inclusive and provides an attractive, safe and accessible living environment for new residents whilst ensuring that the amenity and quality of life of existing and future residents is not adversely impacted. 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.

To ensure a high quality living environment for residents of new developments, the Council will support residential developments that:

- iv. Meet the National Space Standards and the London Plan requirement for floor to ceiling heights;
- v. Are sited and designed to maximise daylight and sunlight;
- vi. Incorporate an appropriate level of high quality, usable green infrastructure and amenity space that is designed to be multi-functional and offer a range of environmental benefits and leisure and recreation opportunities;
- vii. Provide both balconies and communal amenity space in flatted schemes; and
- viii. Maximises the provision of dual aspect accommodation unless exceptional circumstances are demonstrated.

The proposal would provide a new bedroom window to the rear looking onto the shared garden. There are concerns regarding the lack of privacy for occupants of the ground floor flat due as there is no private amenity space for the ground floor flat. There are concerns that there is no defensible space adjacent to the rear of the ground floor flat as it is a shared garden for the for the flat and donor dwelling. This would provide a poor quality living environment harmful to the amenity of future occupiers. If the garden were to be entirely fenced off, this would lead to an undue sense of enclosure and an oppressive living environment.

The poor layout and lack of private amenity space creates conditions that result in undue overlooking and loss of privacy to the ground floor rear bedroom of the flat, which provides a poor quality living environment harmful to the amenity of future occupiers contrary to Policies 7 and 9 of the Havering Local Plan and the guidance contained in the National Planning Policy Framework.

It is further noted that the layout is somewhat contrived, in respect of the bedrooms of the dwellinghouse oversailing the ground floor flat and the location of the donor properties kitchen adjacent to the proposed ground floor flat bedroom. As a result the bedrooms sit above the main living area of the ground floor flat, which could give rise to unacceptable harm to the amenity of occupiers of the dwelling.

The proposal, by reason of its poor and contrived internal layout for the donor property and proposed flat would create a poor quality living environment harmful to the amenity of future occupiers including noise and disturbance contrary to Policies 7 and 9 of the of Havering's Local Plan 2016-2031, Policy D6 of the London Plan and the guidance contained in the National Planning Policy Framework.

HIGHWAY/PARKING

Parking provision and matters of highway consideration are represented in Policies 23 and 24 of the Havering Local Plan 2016-2031 and also within T6 of the London Plan.

The application site is within a PTAL of 2 and therefore Policy T6 of the London Plan applies. The London Plan requires the proposal to provide up to 1.75 parking spaces. One parking space is the maximum requirement for a property with three or more bedrooms, while a one-bedroom property requires a maximum of 0.75 spaces.

The proposal would comply with the parking criteria. However, Highways have raised a concern regarding the likeliness to increase parking stress in the area. So whilst a formal objection has not been made (on the grounds that it is compliant with the standards), it is recommended this concern is considered when balancing the overall merits of the proposal.

Mindful that two units are being provided, it would be expected that at least one parking space per unit be provided. Further to the officer's visit to the area, the parking within the immediate area is quite congested and this has been reinforced by the comments made within the representations.

It has not been clearly demonstrated that the proposal would not have an impact on parking within the immediate area. The Planning Officer has visited the site and Finucane Gardens and it was noted there was two wheel on two wheel off parking within the street. At the time of the visit, it was noted that the bays were currently being used within the street as there are flats opposite the site and some of the neighbours within the street do not have on site-parking.

Given that the proposal results in a 4 bedroom property, as well as a separate flat, there are concerns that the parking provision would potentially be inadequate. Both properties would have to share the front driveway and it is not considered a functional arrangement for two separate dwellings to share the front garden parking area. There could be conflict if vehicles are parked inconsiderately within the front garden, as well as needing to maintain sufficient access room for residents of both properties, cycle storage, refuse storage etc. This, combined with the potential occupancy levels, would potentially lead to overspill parking.

As a result, it is considered that the proposed development would, by reason of the inadequate on site car parking provision for a four bedroom donor property and a one bedroom flat, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies 9 and 24 of the Havering Local Plan and Policies T4 and T6.1 of the London Plan.

KEY ISSUES/CONCLUSIONS

It is acknowledged that conversion and subdivision have been important sources of additional housing for the Council, and it is acknowledged that there is shortage of housing with the need to consistently increase the supply of high quality housing to meet the need of residents. However, Policy 9 is to protect the existing larger homes in response to the Outer North East London Strategic Housing Market Assessment (SHMA) report which states a pressing need for larger homes.

On the 12th December 2024, the Government published the Housing Delivery Test result for 2023. The Housing Delivery Test Result for 2023 is 61%. In accordance with the NPPF the "Presumption"

due to housing delivery therefore applies. Furthermore Havering cannot currently demonstrate a five year 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 and the Council is committed to an immediate update of the Local Plan. This is set out in the Council's Local Development Scheme. An update to the trajectory is being prepared but there is no firm date for the work to be completed. Therefore, in the meantime whilst the position with regard to housing supply is uncertain, the "Presumption" due to housing supply is applied.

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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 paragraph 11(d) of the NPPF.

The proposal is considered to be contrary to the aims and objectives of the Council's Local Plan Policy 9 and a refusal is recommended accordingly.

RECOMMENDATION:

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

1 Refusal non standard

The proposal, by reason of the contrived internal and external layout, poor internal arrangement, lack of private, defensible amenity space and inadequate parking and access arrangements is considered to give rise to a poor quality arrangement and layout that would significantly diminish the quality and functionality of the existing family unit and create poor quality living accommodation for both occupiers of the larger dwelling and the flat, particularly with regard to internal layout, access arrangements and privacy and usability of the rear garden. As such it is considered it would fail to comply with Policy 9 of the Havering Local Plan 2016-2031.

2 Reason for refusal - Residential Amenity

The poor layout and lack of private amenity space creates conditions that result in inadequate provision of external amenity space and the potential for overlooking, loss of privacy and undue noise and disturbance to occupiers of both the ground floor flat and family dwelling, which provides a poor quality living environment harmful to the amenity of future occupiers contrary to Policies 7 and 9 of the Havering Local Plan, Policy D6 of the London Plan and the guidance contained in the National Planning Policy Framework.

3 Reason for refusal - Parking Deficiency

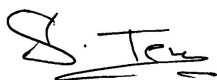
The proposed development has not been demonstrated to have adequate and practical access, parking and servicing arrangements and as such would be likely to give rise to inadequate on site car parking provision for a four bedroom donor property and a one bedroom flat, resulting in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies 9 and 24 of the Havering Local Plan and Policies T4 and T6.1 of the London Plan.

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 S Chowdhury (Agent) by e-mail on 5th August 2025.

Authorising Officer:

A handwritten signature in black ink, appearing to read 'S. Terry', with a horizontal line underneath.

Suzanne Terry

5th August 2025