PLANNING & DESIGN FALLBACK STATEMENT

Site Address: 52 Bridge Avenue, Upminster, RM14 2LR

Proposal: Erection of a single-storey detached outbuilding for use as a home gym, fitness suite and incidental leisure space, incorporating localized ground levelling, an engineered structural retaining wall and a low-impact foundation system.

Applicant: Adrian Alexandru (Owner)

Date: 28 October 2026

1. Introduction & Executive Summary

This Planning, Design, and Fallback Statement is submitted in support of a Householder Planning Application for a single-storey outbuilding at 52 Bridge Avenue. The proposed structure will function strictly as a home gym, fitness suite, and complementary family leisure space wholly incidental to the enjoyment of the main dwellinghouse. This formal application follows the refusal of a Certificate of Lawful Proposed Development (CLD), wherein the Local Planning Authority (LPA) determined that a full householder application was the necessary procedural route due to localized topography, roof height parameters relative to boundaries under Permitted Development limitations, and footprint optimization.

Crucially, this application establishes a substantial, highly material fallback position rooted in a legally active, certified 2019 Lawful Development Certificate granted on-site (Ref: D0372.19) [Mansell]. The applicant retains a fully actionable and lawful right to construct a larger 102 sq.m flat-roofed outbuilding on-site, representing a clear and "real prospect of implementation," for which construction materials are already physically staged within the residential curtilage.

This application does not seek to expand upon that fallback framework; on the contrary, it represents a voluntary scale reduction in overall footprint from the fallback's 102 sq.m down to 89.6 sq.m. Rather than executing an intrusive Permitted Development fallback box right against the shared boundary line, this proposal offers a far more sensible, design-led positioning of the footprint toward the rear boundary. Moving the building to this optimized location preserves the logical layout, openness, and usable amenity space of the residential curtilage. Concurrently, it updates the architectural aesthetic to a high-quality, low-profile dual-pitched roof that integrates seamlessly with the natural topography of the garden, delivering a vastly superior planning outcome for the locality.

2. The Fallback Position (Material Planning Consideration)

The application site benefits from an active, legally binding Certificate of Lawfulness for a Proposed Use or Development (CLUD) granted on 8th November 2019 under application reference **D0372.19**. This certificate confirmed the lawfulness of a single-storey detached outbuilding with a substantial footprint of 102 sq.m (12m x 8.5m). In the LPA's recent refusal report for the revised rearward positioning, the case officer explicitly conceded this legal baseline, stating:

"Environmental / Planning Note: Nevertheless, it is noted that D0372.19 would constitute a fall-back position."
Under established UK planning case law—most notably ***Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314***—a fallback position is a highly material consideration if there is a "real prospect" of it being implemented should the current application be refused. The Court of Appeal clarified that this prospect does not need to be probable or certain; it merely needs to be a realistic, non-theoretical possibility.
The criteria for an imminent, realistic fallback are fully satisfied here:

1. **Conclusive Statutory Validity:** Pursuant to Section 192(4) of the Town and Country Planning Act 1990, the lawfulness of the 2019 fallback is conclusively presumed. Because a CLUD certifies lawfulness at the date of application, it is unimpacted by subsequent changes to local policy or supplementary planning guidance. It remains fully actionable.

2. **Physical Imminence & Intent:** Construction materials have already been purchased and are actively staged within the residential curtilage. The applicant maintains a firm, unambiguous, and fully funded intention to construct an outbuilding of this nature to serve the household's incidental needs.

If this householder planning application is refused, the applicant will immediately exercise their statutory right to implement the fallback development under D0372.19. Crucially, the scheme currently proposed represents a significant, voluntary reduction in scale compared to the certified fallback position. The applicant has downsized the built footprint by 12.4 sq.m, reducing it from the permitted 102 sq.m down to 89.6 sq.m (11.2m x 8m).
Refusing this application would therefore directly force the execution of a larger, more imposing fallback structure positioned right against the shared boundary line. The proposed rearward position represents a far superior design solution for the curtilage, directly preserving the spatial openness and residential amenity of the site and its immediate surroundings.

3. Spatial Justification: Scale, Footprint, and "Incidental" Use

The LPA previously refused the CLD application by asserting that the proposed outbuilding footprint exceeded that of the original dwellinghouse, citing a planning appeal at *76 Coniston Avenue (Ref: APP/B5480/X/21/3287415)* to question whether the structure was genuinely "incidental."
While the strict statutory constraints of Permitted Development under Class E of the GPDO require an outbuilding to fit within a tightly interpreted, generic framework of "incidental scale" to bypass planning entirely, this submission is for **Full Householder Planning Permission**. The rigid footprint ratios and arbitrary size restrictions associated with Class E assessments do not govern applications submitted for full planning merit. Instead, this application must be assessed on its individual merits against Havering's local design guidance (**Policy DC61 of the Havering Local Plan**), physical site capacity, and actual impact on residential amenity.

To eliminate any ambiguity regarding the intensity of use, the proposed outbuilding is intended solely for the private, incidental domestic enjoyment of the immediate household. The optimized internal layout requires a precise footprint of 11.2m x 8m (89.6 sq.m) to safely and effectively accommodate its intended private functions:

A. Full-Size Private Snooker Table Requirements
A standard full-size snooker table has physical outer playing dimensions of approximately 3.85m in length by 2.05m in width. However, the physical table size only represents a fraction of the necessary structural footprint. To allow family members to play safely and unhindered, player cueing clearance must be factored into the room design:

- **Cue Clearance:** Standard snooker cues are 58 inches (approximately 1.47m) long. When a family member strikes a ball positioned near the cushion, the cue must extend fully backward horizontally without impacting structural walls or furniture.

- **Minimum Playable Envelope:** To allow a mandatory 1.5m clearance buffer around all four sides of the table frame, a minimum dedicated envelope of 6.85m x 5.05m (approximately 34.6 sq.m) is required strictly for standard gameplay.

- **Domestic Circulation Space:** Accounting for localized seating for resting family members, essential wall-mounted cue clips, and safe walking paths around someone actively executing a shot, a practical operational footprint of 8.0m x 6.0m (48.0 sq.m) is required for the snooker portion of the outbuilding.

B. Integrated Family Fitness Area Requirements

The remaining portion of the 11.2m x 8m layout is dedicated to a private family fitness zone. This space must safely accommodate standard home gym equipment and establish clear separation zones to ensure the safety of family members within the building:

- **Internal Safety Access Lane:** To prevent household members utilizing fitness equipment from accidentally colliding with someone swinging a cue or executing a shot, a clear 1.0m to 1.5m safety thoroughfare is maintained between the zones.

- **Equipment Layout Constraints:** The floor plan safely distributes essential family fitness items, including a private cardio setup (treadmill/rower requiring a 2m x 1m operational zone), a standard household weight rack, a minor incidental refreshment station (servery), a changing room with an ancillary shower/WC, and flat floor space required for safe stretching, lifting, and exercise. The inclusion of the shower/WC facility is strictly ancillary, serving a practical hygiene function to avoid tracking mud or sweat through the main dwellinghouse post-workout, fully maintaining its status as a non-habitable, incidental space.

C. Summary Floor Space Allocation

The total proposed footprint of 11.2m x 8m (89.6 sq.m) splits efficiently across these specific family zones, completely avoiding any redundant or superfluous space:

Zone / Spatial Component	Area Allocation
Snooker Table Bed Frame (Physical structural footprint)	pprox.. 7.9 sq.m
Family Cueing & Circulation Buffer (Mandatory 1.5m perimeter clearance)	pprox.. 40.1 sq.m
Private Household Gym Zone (Cardio gear, weight rack, changing/stretching space)	pprox.. 25.6 sq.m
Internal Safety Separation & Access Thoroughfares (Collision prevention)	pprox.. 16.0 sq.m
Total Proposed Outbuilding Footprint	**89.6 sq.m**

Reducing the physical dimensions of this private outbuilding any further would render the family snooker table unplayable due to immediate structural wall obstructions or fundamentally compromise the physical safety of family members exercising nearby. Because the principle of a larger 102 sq.m (12m x 8.5m) leisure outbuilding has already been established as a lawful fallback at this exact address under D0372.19, the scale has already been deemed acceptable in a fallback context. The new outbuilding in the requested location represents a voluntary scale reduction down to 89.6 sq.m, leaving an abundance of private outdoor amenity space that far exceeds local policy thresholds.

4. Siting, Height, and Topographical Design Justification

The previous CLD refusal noted that the historic flat-roofed outbuilding stood at a height of 3 metres while situated within 2 metres of the property boundary, breaching Class E limitations. The applicant has systematically re-engineered the scheme to address this feedback directly through a sensitive, design-led architectural and civil engineering approach that aligns perfectly with **Policy DC61 of the Havering Local Plan**:

- **Boundary Setback:** The proposed outbuilding walls have been strategically positioned at an absolute minimum of 2.01 metres away from all property boundaries. This completely removes the structure from the restricted 2-metre boundary zone under Permitted Development rules and maintains a spacious perimeter walkway for non-disruptive, lifelong maintenance access.

- **Architectural Design (Dual-Pitched Roof):** The previously proposed flat-roof design has been replaced with a high-quality, dual-pitched roof featuring a maximum ridge height of 4.0 metres above Finished Floor Level (FFL). This pitched roof design aligns seamlessly with traditional domestic garden aesthetics and ensures that the roof slopes away from neighbouring boundaries, preventing any overbearing impact or loss of light.

- **Topographic Profile & Excavation Integration:** A formal topographic survey confirms a pronounced natural ground drop across the garden curtilage. Crucially, the highest ground level sits adjacent to the **No. 54 boundary**, while the slope drops downwards by 1.9 metres over a 16-metre span as it moves toward the open lower garden and public footpath interface. To create a level

structural plateau while strictly protecting the landscape, a highly efficient partial excavation is utilized at the high end.

- **Substantial Suppression of Visual Profile & Boundary Stability:** Rather than building on an elevated platform—which would artificially increase its prominence—the gym's FFL is set to align with the lower-to-mid topography. At the highest point of the slope (adjacent to the **No. 54 boundary**), the ground is excavated to a maximum localized depth of 1.03 metres, enclosed by a tanked, structurally engineered retaining wall designed in strict accordance with **BS 8102:2022**. This structural element will be fully overseen and verified by an independent Building Control Officer, ensuring the permanent stability of the boundary earth.

- **Amenity Protection & Proportional Profile:** By sinking the building into the rising slope at the high end, the visible massing of the 4.0m dual-pitch roof is substantially suppressed. Topographic cross-sections verify that at this critical high-ground boundary, the roof ridge sits **only slightly above** the top of the neighbour's 2.0-metre boundary fence line. Because the building is stepped back an absolute minimum of 2.01 metres from the boundary, this minor protrusion is completely non-intrusive and **has been formally reviewed and supported by the representative of No. 54 based on the 3D visual model**. This ensures zero overbearing impact, loss of outlook, or overshadowing, comfortably exceeding the design standards required by the London Borough of Havering.

- **Ownership and Proximity:** The proposed works, structural foundations, guttering, and rainwater downpipes are entirely contained within the applicant's own boundary with zero overhang or encroachment. The nearest neighbouring habitable structure is 25 metres away, guaranteeing zero structural or residential impact. Furthermore, the boundary fences are under the sole ownership of the applicant, giving them full control over ongoing maintenance.

- **Environmental (Land Quality):** Historical site data derived from a formal Groundsure Homebuyers Report confirms that the residential curtilage carries a formal status of 'Passed' in terms of statutory contaminated land definitions. The minor proposed excavation works introduce absolutely zero environmental, soil migration, or contamination risks.

- **Flood Risk & Level Co-existence:** In full compliance with contemporary National Planning Policy Framework (**NPPF) Chapter 14** and **BS 85500:2015**, the gym incorporates a 300mm raised FFL freeboard above the flood design level at the lower end of the site. Because the ground drops naturally by 1.33 metres across the building's 11.2m length, setting the floor level to clear the flood threshold at the bottom end means that the gym transitions from a partially sunken structure at the high end to an elevated platform at the low end.

- **Arboricultural Safeguarding (BS 5837:2012):** The site features mature boundary vegetation, specifically Maple 1 (located at the rear boundary,

interacting with the Havering public footpath) and Maple 2 (located near the boundary line). The updated site layout maintains a strict, verified clearance of 3.1 metres to Maple 1 and 3.6 metres to Maple 2. To completely eliminate the risk of root severing, soil compaction, or oxygen starvation within the statutory Root Protection Areas (RPAs), traditional continuous trench foundations are completely rejected, satisfying **Havering Local Plan Policy DC60**. The low end of the structure will be supported entirely on low-impact, non-invasive helical screw-piles. These piles will be hand-installed or driven using lightweight machinery at precise intervals to bridge across the RPAs. Because the building is naturally elevated above the ground level in this lower zone to satisfy flood compliance, zero excavation or ground cutting will take place within the RPAs, completely safeguarding the long-term physiological health of the trees and protecting the public footpath canopy.

5. Flood Risk and Mitigation Notes

While the site falls within an identified flood risk catchment, its localized vulnerability is systematically managed and mitigated under the London Borough of Havering Level 1 Strategic Flood Risk Assessment (SFRA). The council's ongoing maintenance of the River Ingrebourne trash screens, bank management, and sustainable highway drainage upgrades implemented post-June 2016 actively protect the low-lying catchment basin surrounding Bridge Avenue. This continuous operational oversight heavily suppresses localized fluvial risk to the proposed outbuilding zone.
The localized drainage strategy for this development has been engineered to explicitly align with the objectives of the Havering Local Flood Risk Management Strategy (LFRMS) and Surface Water Management Plan (SWMP), formally adopted by Cabinet on 11 March 2026. The application is supported by a comprehensive, site-specific Householder Flood Risk Assessment (FRA) compiled in September 2026, reflecting the strictly private, domestic, and "Less Vulnerable" planning classification of the proposed home gym. To supplement this, historical asset mapping from a formal Thames Water CON29DW Report establishes the precise baseline layout of public utility lines, verifying that the proposed outbuilding footprint does not conflict with any major statutory easements or water company infrastructure.

Crucially, in explicit compliance with **Chapter 14 of the National Planning Policy Framework (NPPF)**, the Environment Agency's Flood Risk Standing Advice, and **Policy CP15 of the Havering Local Plan**, the development integrates comprehensive flood resilience and resistance measures designed in strict accordance with **BS 85500:2015** (*Flood resilient construction for buildings*):

- **Primary Level Elevation (300mm Freeboard):** In strict accordance with Environment Agency parameters, the Finished Floor Level (FFL) of the outbuilding is structurally elevated to sit a minimum of 300mm above the established flood design level at the lower end of the site. As verified by the topographic cross-sections, this elevation is achieved naturally and non-invasively by utilizing the site's topography and supporting the lower frame on helical screw-piles.

- **Structural Waterproofing & Resilient Linings:** The structure incorporates a high-specification waterproof ground floor damp-proof membrane (DPM) tied directly into the retaining wall tanking. Internal walls feature waterproof plastering and moisture-resistant backing boards up to a height of 1.2 metres above FFL, enabling rapid pressure-washing, disinfection, and drying in an emergency scenario.

- **Elevated Electrical Infrastructure:** To completely eliminate electrical and life-safety hazards, all ring-main wiring will be fed drops from the ceiling down. All electrical sockets, consumer units, and connection switches will be rigidly fixed at a minimum height of 1.0 metre above FFL.

- **Sewer Backflow Prevention:** Heavy-duty, mechanical non-return valves will be integrated into the outbuilding's foul/greywater drainage system to fully eliminate the risk of public sewer surcharging or backflow during an extreme surcharge event.

- **Sustainable Drainage Systems (SuDS) & Boundary Protection:** In accordance with local and national sustainable drainage policies, roof water will be collected via dedicated guttering and directed to a localized subsurface soakaway within the garden curtilage, situated over 5.0 metres from any property boundary. The engineered, tanked retaining wall (**BS 8102:2022**) at the high-end acts as an absolute barrier to sub-surface water migration. This guarantees zero net increase in surface water runoff or localized pooling to neighbouring curtilages, specifically No. 54, or the local highway network.

- **Emergency Preparedness:** The outbuilding will be signed up to the Environment Agency's direct Flood Warning Service, and the household maintains a dedicated emergency escape plan alongside demountable, engineered flood barriers for all external door thresholds.

This collective suite of engineered mitigation measures demonstrates that the development is safe, introduces zero surface water risk to third-party land, and fully satisfies the exception and sequential design principles required for development in this zone.

6. Conclusion & Neighbour Support Record

The proposed rear garden outbuilding represents an optimized, design-led use of the residential curtilage at 52 Bridge Avenue.
The scheme delivers a spatial footprint that represents a voluntary scale reduction down to 89.6 sq.m, downsized from the legally robust 102 sq.m fallback position already established and certified on-site under Certificate **D0372.19**.

A. Formally Consulted and Verified Neighbour Support
Crucially, this revised layout yields a vastly superior outcome for the visual and residential amenities of the occupants at No. 54 Bridge Avenue. Pursuant to a formal proactive neighbour consultation process undertaken in October 2026, the applicant provided full 3D point-cloud massing comparisons directly to the formal legal

representative (LPA) of the immediate adjoining property at No. 54 who provided explicit written clearance, stating:
"I can confirm that I am happy with the sunken design"
A refusal of planning permission for this optimized rearward location would trigger a counterproductive planning outcome that actively harms local amenity [Mansell]. If refused, the applicant will be compelled to execute the 2019 fallback certificate to prevent wasting the heavy construction materials already purchased and staged on-site [Mansell]. This would result in the construction of a larger footprint structure in a less optimal, highly intrusive position closer to the primary living spaces and immediate patio zones of the neighbours, forcing heavy material transport directly down the narrow boundary path at No. 54.
As demonstrated in the accompanying *Figure 1: Comparative Fallback Amenity Assessment*, the adjacent occupiers' outlook, daylight, and open garden views are significantly better protected with the outbuilding positioned at the rear of the garden as proposed, rather than built in the fallback location.

B. Topographical and Policy Alignment
The proposed rearward relocation, combined with a high-quality pitched-roof upgrade, represents a logical and sensitive optimization of the site. By integrating an engineered structural retaining wall and an excavated basin, the design proactively embeds the building into the site's natural 1.9-metre topographic drop, suppressing its physical and visual massing relative to neighbouring boundaries to the extent that the roof ridge sits only slightly above the high-ground boundary fence line. Because the building is stepped back an absolute minimum of 2.01 metres from the boundary, this minor protrusion is completely non-intrusive and carries the full support of the adjoining neighbour.
When evaluated against the Havering Local Plan, the scheme aligns seamlessly with the borough's statutory development management policies:

- **Policy 7 (Residential Design and Amenity):** The optimized layout strictly respects neighbouring privacy, daylight, and outlook by moving the structural massing away from the immediate rear windows of the adjacent dwellings.
- **Policy 26 (Urban Design):** The use of an excavated base and a tanked retaining wall actively mitigates structural prominence, while the layout secures a far less disruptive construction logistical framework for the locality, shifting heavy material transport completely away from the narrow boundary path at No. 54.

Supported by a rigorous, site-specific flood resilience framework (**BS 85500:2015**) and non-invasive helical screw-pile foundations that fully safeguard the Root Protection Areas (RPAs) of the boundary Maple trees (**Policy DC60**), this proposal represents sustainable, highly considered domestic development.

We politely request that householder planning permission be granted.

Yours faithfully,
Adrian Alexandru (Owner)
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