

# London Borough of Bromley

Report No.  
DRR/11/095

PART 1 - PUBLIC

Agenda  
Item No.

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Title: **SIDE SPACE PROVISION AND RIDGE HEIGHT TO EXTENSIONS AT 62 BROXBOURNE ROAD, ORPINGTON, BR6 0BA**

Decision Maker: **Plans Sub-Committee No.1** Decision Date: **29 Sep 2011**

Decision Type: Non-Urgent Non-Executive Key

Budget/Policy Framework: Within policy and budget

Chief Officer: Chief Planner

Contact Officer: Tim Bloomfield, Development Control Manager  
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Ward: Petts Wood and Knoll

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## 1. SUMMARY

- 1.1 This matter was considered at Plans Sub Committee No.3 on 1<sup>st</sup> September and deferred to seek further information regarding the site boundary. Both the agent and neighbour have provided information which is on the file and can be summarised as follows:
- 1.2 The agent has submitted a detailed letter and new drawing to help the committee understand his views on the boundary. He comments that the Ordnance Survey map confirms that there is a convergence of the wall of 62 and the SW site boundary. The boundary at ground level is irregular and a plan is enclosed showing the assessed original line of the boundary fence and the varying measurements and reasons for these. This confirms that although the distance to some physical points (e.g. the fence) is less than 1.3m, the evidence shows that the original straight boundary was 1.35m away from the new extension line at the very front of the site, and converges to 1.25m at the rear.
- 1.3 The neighbour at 64 has commented as follows:
- “Measurements [provided in the committee report] are correct the boundary line (plot size) between our two properties favours 62 at the front and 64 at the back. All drawings including the ones produced for this extension show the boundary in this way out of square. Hence to maintain the indicated 1.3m clearance front to back the design should have been stepped, wider at the front smaller at the rear. The fence has not been altered, there are two fixed posts front and back that can be used to confirm that the measurements I have given to be correct. Clearance at the front post 1.25m and at the rear post 1.0m. Similar property boundary lines in Broxbourne Road and adjacent roads rarely have perfectly square boundary lines. So a stepped design should have been adopted and taking in your (planning’s) approval report would indicate that the 1.3m min clearance should have been drawn from the back SW corner position and then this would have provided a minimum of 1.3m along it’s flank.”
- 1.4 Following receipt of this information it is difficult to be certain of the exact boundary position. It is clear that there is a shortfall towards the rear of the extension in respect of

the 1.3m proposed distance to the boundary, and Members will need to have regard to the relationship between the buildings at 62 and 64 and how this difference impacts upon the streetscene and the amenities of the neighbouring property in deciding whether it is appropriate to take any further action in this instance. Given the conflicting information received and the apparent minor scale of the (alleged) discrepancy it is concluded that it would be difficult to justify taking enforcement action.

- 1.5 Advice in national guidance on planning enforcement in PPG18 'Enforcing Planning Control' states that enforcement action should always be commensurate with the breach of planning control to which it relates. For example, it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site.
- 1.6 The previous report is repeated below for information, updated where necessary.
- 1.7 Planning permission was granted under ref. 11/00631/FULL6 for a part one/two storey side and rear extension to the host dwelling to incorporate accommodation in roof space, together with front bay windows and a porch, elevational alterations and a front boundary wall with railings and gates max height 1m.
- 1.8 Works on site are progressing and complaints have been received from local residents regarding the side space provided between the south-western flank wall and boundary which appears to be less than the 1.3m distance specified on the approved plans, and regarding the height of the roof which appears to slightly exceed that of the original roof (while the approved plans showed the existing and proposed roofs to be consistent in height).
- 1.9 Concerns have also been raised regarding the positioning and size of windows to the south-western flank wall at first floor level, which do not match those shown on the approved plans. The applicant's agent has confirmed that this matter will be regularised by way of an amendment application.

## **2. RECOMMENDATION**

- 2.1 No further action be taken.

### 3. COMMENTARY

3.1 Planning permission was granted for extensions and alterations to the application property under ref. 11/00631/FULL6. This application followed an earlier submission under ref. 10/03510/FULL6 for a similar proposal in principle (although with a greater rearward projection and a lesser side space to the south-western flank wall) which was refused planning permission for the following reason:

“The proposed side/rear extension would constitute an excessive and disproportionate addition to the host dwelling, which in view of the depth of projection proposed and proximity to boundaries, would be likely to result in a loss of amenity to the occupiers of the 2 adjacent properties by reason of its overbearing appearance and loss of prospect, contrary to Policy BE1 of the Unitary Development Plan.”

3.2 In granting planning permission under ref. 11/00631, the Council cited the increased side space to the south-western flank boundary together with the reduction in depth, in concluding that the side/rear extension would overcome the previous reason for refusal.

3.3 The extensions are now under construction, and at the time of writing this report works were progressing on the new roof construction. Since works commenced on site, several complaints have been received from local residents alleging that works have not been carried out in accordance with the approved plans as detailed at the beginning of this report. Following investigation of these matters, it can be confirmed that the side space provided to the south-western flank boundary is less than the 1.3m specified on the approved plans, and that the height of the proposed roof appears to slightly exceed that of the original roof.

3.4 Regarding the side space provision, officers have visited the site and it can be confirmed that the side space varies from 1.22m at the front corner of the extension, 1.29m in the middle and at least 1.08m at the rear. Neighbours have expressed concerns that this would not comply with the approved plans, with the 1.3m side space indicated having been cited by the Council as a reason for finding the proposal to be acceptable. Indeed, the purpose of securing a side space is to prevent unrelated terracing and retain space between buildings, as well as reducing any harm via loss of lighting or visual impact to neighbouring properties. However, the dwelling is not located within a designated area, and the minimum side space provision as required by Policy H9 would continue to be exceeded. In this case, it is not considered that the reduction in side space would result in a materially greater impact than the approved scheme, and accordingly it is recommended that no further action be taken in this case.

3.5 Regarding the height of the roof, from a site visit it is apparent that there may be a very marginal increase in the height of the roof as constructed, when compared to the height of the remaining element of the original roof at that time. On balance, it is not considered that this marginal increase has resulted in a detrimental impact to the overall appearance of the dwelling nor the visual amenities of the street scene, and again it is recommended that no further action be taken.

### 4. POLICY IMPLICATIONS

4.1 UDP Policies BE1, H8 and H9 are relevant.

<b>Non-Applicable Sections:</b>	Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Enforcement files contain exempt information, as defined in Schedule 12A of the Local Government (Access to Information) Act 1985, and are therefore not available for public inspection.

Ref: DC/10/03510/FULL6 and DC/11/00631/FULL6.