

Application No : 09/03496/EXTEND

**Ward:
Farnborough And Crofton**

Address : 2 Pondfield Road Orpington BR6 8HJ

OS Grid Ref: E: 543984 N: 165402

Applicant : Mr David Evans

Objections : YES

Description of Development:

Extension of time limit for implementation of permission reference DC/06/03806 granted for two bedroom chalet dwelling.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Proposal

This application was deferred by the Plans Sub Committee on the 18th February 2010 to enquire if the applicant would alter the window in the rear elevation to either be removed, given there is a proposed window in the western flank elevation serving the same bedroom or obscure glaze the window and provide screening between the window and the common boundary with Lovibonds Avenue. The applicant has written to the Council on the 26th February 2010 stating that if required would be agreeable to providing obscure glazing to this window.

The previous report is repeated below updated where appropriate for Members information.

This proposal is for an extension of time limit for implementation of permission ref. 06/03806 granted for two bedroom chalet dwelling.

- The chalet dwelling will be located approximately 8m decreasing to 5m from the public footpath along Pondfield Road.
- There will be a separation of 3m from the new dwelling and the rear boundary with No. 117 and 4m between the new dwelling and the rear boundary with No. 115.
- The new dwelling will have a maximum width of 9.5m and depth of 10.2m
- The new dwelling will have a maximum height of ~7.4m

Location

The site is located on an estate development of 24 detached dwellings all of similar design and mostly open frontages. The site is roughly trapezoidal in shape and lies to the south-west of No. 2 Pondfield Road and is approximately 450m².

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- building a house in a back garden is unacceptable;
- windows will look straight into garden and neighbouring house resulting in a loss of privacy;
- enjoyment of neighbouring house will be ruined;
- loss of a mature trees in the existing garden and grass frontage;
- neighbours were not consulted in the 2006 application therefore this is the first time they have had the opportunity to raise their concerns;
- the proposal is an overdevelopment of the site;
- the rear garden is exceedingly small and out of character with the area;
- concern that the house will be re-sited to the north-west;
- decrease market value of neighbouring properties.

Comments from Consultees

There are no objections from a Drainage point of view subject to appropriate conditions.

The Environment Agency and Thames Water were consulted and have no objections to this proposal.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development
NE7 Development and Trees
H7 Housing Density and Design
T3 Parking
T11 New Access
T18 Road Safety

With regards to trees there is a mature Silver Birch which does contribute to the visual amenities of the area, however there are similar specimens nearby and therefore the

loss of this tree is not considered to be sufficient to warrant a refusal on this basis alone.

Planning History

75/01160 – Refused – 1 Detached dwelling (OUTLINE)

76/01271 – Refused & Dismissed at appeal - 1 Detached dwelling (OUTLINE)

78/02635 – Refused - 1 Detached dwelling (OUTLINE)

83/00038 – Permission - Single storey rear extension

91/01963 – Permission - Single storey side extension to existing garage

06/03806 – Permission - Two bedroom chalet dwelling

Conclusions

This application is for an extension to the time limit to a previously permitted scheme. Although the proposal must be re-assessed with regard to current national and local policies, the permission previously granted for this scheme is a material consideration in assessing this application. At the time the application was first considered under planning ref: 06/03806 the main issues relating to the application were whether the site is of sufficient area to accommodate a dwelling without detriment to neighbouring properties and whether the proposal would be so out of character with the existing pattern of development as to be unacceptable. Therefore Members must assess if there has been a significant change in circumstances to warrant taking a different view.

At the time the application was first considered planning permission had been granted for front and rear dormers to provide first floor accommodation at Nos. 115 and 117. These permission have since been completed and from the approved plans there are 2 bedrooms in each house which have windows in the rear elevation and 2 bathrooms. There appears to be minimum separation of approximately 19.5m between the windows in the first floor rear elevations of Nos. 115 and 117 to the proposed window at the above dwelling. The applicant has confirmed that if required the window to the rear elevation could be obscure glazed in order to alleviate this concern.

Given that permission has previously been granted for this proposal Members may therefore agree that the circumstances have not significantly altered to warrant a different decision and therefore permission should be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/03806 and 09/03496, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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| 1 | ACA01 | Commencement of development within 3 yrs | |
| | ACA01R | A01 Reason 3 years | |
| 2 | ACC01 | Satisfactory materials (ext'nl surfaces) | |
| | ACC01R | Reason C01 | |
| 3 | ACB01 | Trees to be retained during building op. | |
| | ACB01R | Reason B01 | |
| 4 | ACD02 | Surface water drainage - no det. submitt | |
| | ADD02R | Reason D02 | |
| 5 | ACD05 | No change to ground levels | |
| | ADD05R | Reason D05 | |
| 6 | ACH02 | Satisfactory parking - no details submit | |
| | ACH02R | Reason H02 | |
| 7 | ACH04 | Size of parking bays/garages | |
| | ACH04R | Reason H04 | |
| 8 | ACH12 | Vis. splays (vehicular access) (2 in) | 3.3m x 2.4m x 3.3m |
| | | 1m | |
| | ACH12R | Reason H12 | |
| 9 | ACH32 | Highway Drainage | |
| | ADH32R | Reason H32 | |
| 10 | ACI02 | Rest of "pd" Rights - Class A, B,C and E | |

Reason: In the interest of the amenities of the neighbouring properties and given the restricted nature of the site with regard to Policy BE1 of the Unitary Development Plan.

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| 11 | ACI12 | Obscure glazing (1 insert) | in the first floor rear elevation |
| | ACI12R | I12 reason (1 insert) | BE1 |

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| 12 | ACK01 | Compliance with submitted plan | |
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Reason: In order to ensure that the proposed dwelling is appropriately sited within the limited configuration of the severed plot.

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| 13 | A minimum rear garden separation of 3 metres shall be provided from the proposed rear south east wall of the dwelling. | | |
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Reason: In order to provide an adequate separation to the adjacent boundary.

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| 14 | Details of a scheme of landscaping for the area between the rear elevation and the common boundary with Lovidbonds Avenue shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those original planted. | | |
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Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- NE7 Development and Trees
- H7 Housing Density and Design
- T3 Parking
- T11 New Accesses
- T18 Road Safety

The development is considered to be satisfactory in relation to the following:

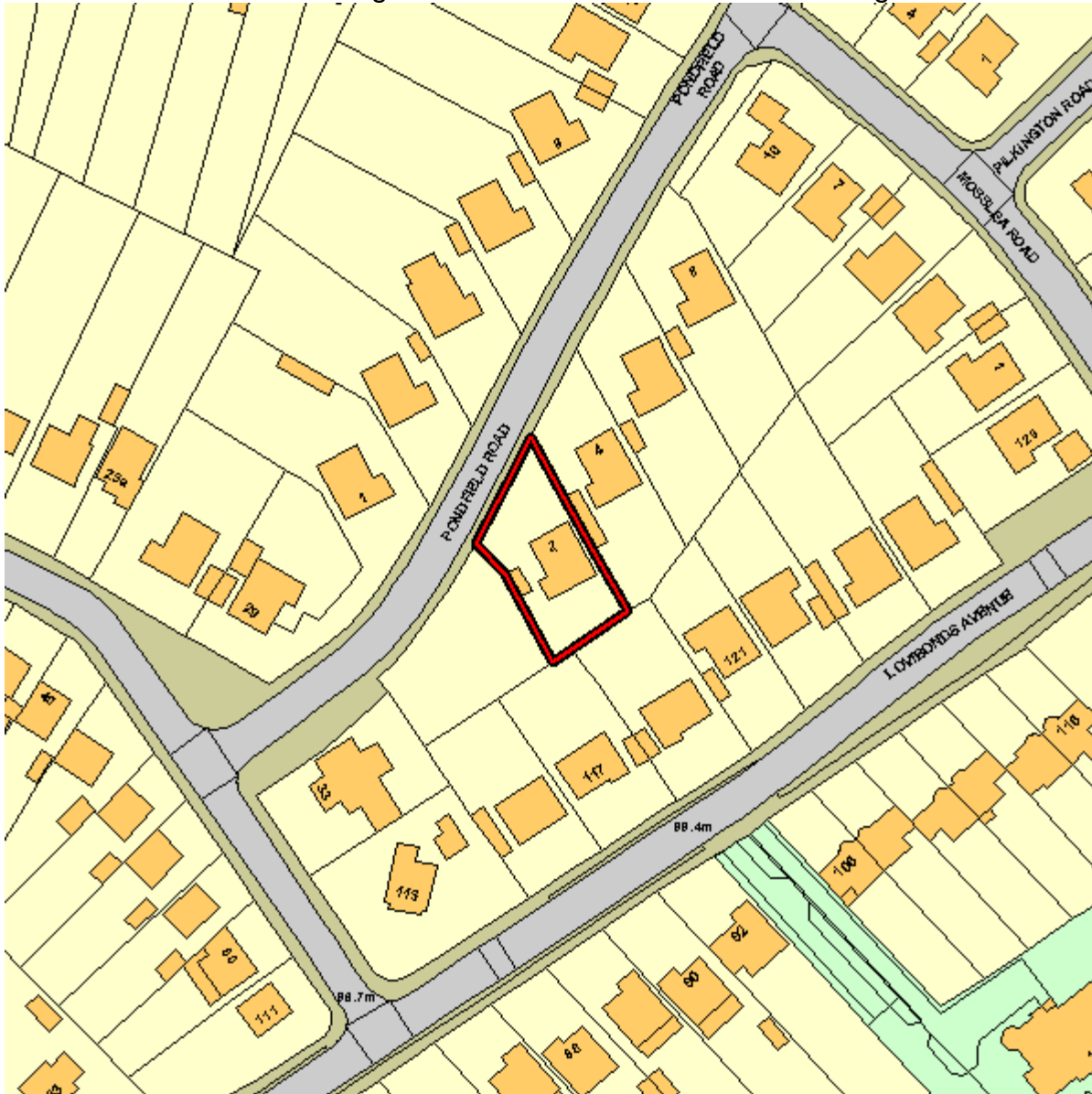
- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent property;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the light and outlook of occupiers of adjacent and nearby properties;
- (f) the privacy of occupiers of adjacent and nearby properties;
- (g) the loss of the Silver Birch Tree;

and having regard to all other matters raised.

INFORMATIVE(S)

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| 1 | RDI03 | Seek engineering advice |
| 2 | RDI16 | Contact highways re. crossover |
| 3 | RD130 | Obscure Glazing |

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