

SECTION '2' – Applications meriting special consideration

**Application No :** 08/03188/FULL6

**Ward:**  
Farnborough And Crofton

**Address :** Lulworth Elm Walk Orpington Kent BR6  
8LX

**OS Grid Ref:** E: 542912 N: 165302

**Applicant :** Mr M Harris

**Objections :** YES

**Description of Development:**

Single storey side extension RETROSPECTIVE APPLICATION

Key designations:

Conservation Area: Farnborough Park

Locally Listed Building

**Proposal**

This application seeks retrospective permission for a single storey side extension to house equipment related to a swimming pool at the site.

**Comments from Local Residents**

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

- plant room has been illegally constructed
- noise disturbance
- odour generated by the plant room machinery
- plant room should have been planned at the same time as the swimming pool
- breach of condition

No objections are raised from a conservation perspective

**Comments from Consultees**

Following a number of site visits and some improvement works to the sound insulation of the extension, the Environmental Health Officer has now taken overnight readings from inside the neighbouring property the garden of which is adjacent to the

extension, and the result of the monitoring is that it is considered that the noise level in at least one of the bedrooms is unacceptable, particularly with the window open. Although work has been carried out in order to reduce noise break-out from the doors of the extension, which was considered likely to be the main source of the noise issue, due to the close proximity of the equipment housing to the neighbouring house, noise must also be breaking out through the roof and the vents in the flank wall.

The situation therefore is that due to the noise break-out, the operation of the water treatment plant results in a loss of amenity to the neighbouring property if operating 24 hrs per day. It is therefore suggested that a condition is imposed restricting operation of the equipment to say 0900-2100 hrs, or the extension may otherwise be considered unacceptable in terms of noise and disturbance and refusal would in that case be suggested. This is mentioned as the owner of Lulworth had previously indicated verbally that he was not prepared to accept a restriction on the hours of operation of the equipment. Any further representations in this regard will be reported verbally.

### **Planning Considerations**

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

BE1 Design of New Development  
BE11 Conservation Areas  
H8 Residential Extensions  
4A.20 (London Plan) Reducing noise and enhancing soundscapes

PPS24 Planning and Noise

### **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the Conservation Area and the impact that it would have on the amenities of the occupants of surrounding residential properties, in particular with regard to any noise generated from within the extension, given that its primary purpose is to house the swimming pool equipment.

This application follows the approval of planning permission being granted for an enclosed swimming pool. Under application ref. 06/02300, permission was granted for two storey side and rear extensions, and a single storey side and rear extension to form existing pool enclosure, together with a double garage extension at front. Under subsequent application ref. 06/03615, permission was granted for amendments to that scheme. Both applications included a condition requiring all pool/filtration plant/heating equipment to be submitted to and approved by the Local Planning Authority before the pool use commences.

This retrospective application is for a single storey side extension which will contain the plant room for the swimming pool. A Breach of Condition Notice issued dated 1st September 2008 requires the cessation of the pool and pool equipment until details of all pool/ filtration plant/heating equipment have been submitted to the Local Planning Authority for approval. Details of the technical specification of the equipment has been submitted to the Council.

In terms of its external design, the structure is considered to be relatively small in relation to the main dwelling, somewhat obscured and therefore unlikely to undermine the character and appearance of the main dwelling or surrounding Conservation Area.

The main issue for consideration is therefore considered to relate to the environmental impact of the plant room, with particular regard for noise pollution. No noise survey has been submitted with the application. Some insulation works, including double glazed doors and ceiling insulation have been carried out following offers from the applicant at recent site meetings. However, there are strong objections on behalf of the neighbour regarding the noise being emitted from the equipment and the recent measurements taken by the Environmental Health Officer indicate that there remains an issue with noise escaping from the extension which causes demonstrable harm to the amenities of the neighbouring property during the night.

Having had regard to the above, and in particular the comments of the Environmental Health Officer, Members may wish to consider the imposition of a condition restricting hours of operation of the equipment to after 9.00am and before 21.00pm. Members should bear in mind that it is anticipated that the applicant may not agree with the terms of such a condition and it may also be appropriate to consider refusal on the basis of the noise disturbance caused and the potential resource implication and / or difficulty in ensuring enforcement of such a condition if the applicant is not in agreement with it.

#### **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

0 D00002 If Members are minded to grant planning permission the following conditions are suggested:

1 The equipment within the extension which serves the swimming pool including any pumping, heating or filtration equipment including that related to any other garden features shall not be operated between 21:00pm and 09:00am and any noise resulting from the use of the equipment should not result in an increase of the LAeq (5 minute) when measured at any point on the boundary of the application site.

**Reason:** To protect the amenities of adjacent properties, in accordance with Policy 4A.20 of the London Plan and Planning Policy Statement 24.

2 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development  
BE11 Conservation Area  
H8 Residential Extensions

Policy (London Plan)  
4A.20 Reducing Noise and Enhancing Soundscapes

PPS24 Planning and Noise

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The extension and swimming pool equipment housed within it give rise to unacceptable noise and disturbance to the adjacent property 'Cranford' in particular at night time and the proposal is therefore contrary to Policy BE1 of the UDP, Policy 4A.20 of the London Plan and PPS24 - Planning and Noise.

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Proposal: Single storey side extension RETROSPECTIVE APPLICATION



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