

SECTION '4' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 10/02034/FULL1

**Ward:
Petts Wood And Knoll**

**Address : 101 Queensway Petts Wood Orpington
BR5 1DQ**

OS Grid Ref: E: 544296 N: 167580

Applicant : Mr S Gurdere

Objections : YES

Description of Development:

Part one/part two storey rear extension to provide 1 one bedroom flat and additional ground floor retail space.

Key designations:

Primary Shopping Frontage

Proposal

This application seeks permission for a part one / part two storey rear extension with a second floor of accommodation within the roofspace to an existing commercial premises to the rear of Queensway. The two/three storey element now projects 8 metres from the rear of the existing first floor and the overall height matches that of the existing building. The roof is set out with a gable facing to the rear and is joined to the existing hipped roof of the building, and velux windows are provided to each slope. An access to the proposed flat is located to the south eastern side of the extension with stairs from a side entrance door and a small walkway. A window in the side elevation facing 99a Queensway is proposed to be shielded with an obscured screen.

Two car parking spaces are provided to the rear of the single storey element of the extension and access stairs are provided to the side of this element alongside the two/three storey extension with access gained to the flat in the southeastern elevation from a walkway at first floor level. A privacy screen is proposed alongside the private amenity area of 99 adjacent to the main window to the new flat.

Location

The application site is an existing commercial premises with storage and an office to the rear at ground floor level, and a one bedroom flat above at first floor. A detached single storey storage building exists in the rear service yard. The residential unit is accessed from an external stairway at the rear. To the south east at 99 Queensway is a similarly laid out commercial premises with a residential property above, which includes a rear private amenity area for the flat at first floor level. There is a detached car repair workshop to the rear of 99. At 103 there is a commercial premises with flat above, and a large detached building to the rear providing ancillary facilities.

Comments from Local Residents

A number of local objections have been received, which can be summarised as follows:

- extension would be overdominant, intrusive and result in loss of light
- views over surrounding properties will occur from the extension and stairway / walkway and new windows
- no details of privacy screen
- proposal does not overcome the Inspector's reasons for dismissing previous appeals
- overlooking into rear bedroom window of 99a will occur from front door and walkway
- additional occupiers will increase congestion and parking problems in the area

Comments from Consultees

The Highways Engineer raises no objection.

Thames Water have no objection to the proposal; neither does the Council's Drainage section

Cleansing has no objection.

Planning Considerations

The proposal falls to be considered with regard to Policies BE1 and H7 of the Unitary Development Plan regarding Design and Housing. Policy S6 regarding retail development is also relevant to the shop extension proposed.

Planning History

The site has been the subject of a number of previous proposals all of which were refused and dismissed at appeal recently. The Inspector made a number of relevant comments in dismissing the appeal. In particular he was concerned regarding overlooking and loss of privacy from a walkway which was proposed above a previous single storey rear extension similar to this application. However, he considered that

the principle of a single storey extension of this size was acceptable. In dismissing an appeal for a similar scheme which comprised the rear extension to the shop and one flat above, the Inspector concluded on design issues as follows:

"Given the existing character and appearance of the area the scale of the proposed extension would be more modest and would be compatible with other developments in the same row. Also, taking account of the prevailing character and appearance of the area, I consider that a two storey rear extension at a scale similar to that proposed could be successfully achieved at the appeal property.

However, I consider that the proposal does not represent such a development. My main concern relates to the proposed roof design. The proposal would have a gable at each end. In my judgement the proposed roof treatment adjacent to the existing roof would be contrived and would result in a jarring relationship at odds with its context. Consequently, the proposal would not relate well to the host building. I agree with the Council that the proposal would not cause severe harm. However, contrary to the clear advice contained within Planning Policy Statement 3 (PPS 3) – Housing, the design would be inappropriate in its context and would fail to take the opportunity available for improving the character and the quality of the area."

With regard to the impact on neighbouring properties, the Inspector concluded as follows:

"I note that for Appeal C, there would only be one first floor window facing toward No. 99 and this would be screened. However, similar to the arrangement for Appeals A and B, someone in the roof accommodation bedroom would have views towards the neighbouring properties. Thus again, this proposal would result in an unacceptable degree of overlooking of the first floor flat at No. 99." and;

"However, as for the other appeals I also have a concern about the fact that residents using the stairs down from the first floor to the rear access road would be able to look into the kitchen window at No. 1 Woodhurst Avenue. Again, I consider that this level of overlooking would be unacceptable and it would not be possible to resolve this matter by the imposition of a condition without substantially changing the proposed development. Thus the proposal would have a significant adverse impact on the living conditions of the occupants of this property and this fact outweighs my finding that this particular proposal would not have an adverse impact on the character and appearance of the area."

The applicant has made reference to a number of sites in the locality which have been granted planning permission and have some similarities to this site. Primarily these are 61, 103 and 105, 123, 109-111, and 129 Queensway and planning permission

exists for development on all of these sites. This matter is discussed further in the Planning Considerations section below.

Conclusions

The primary issues in this case are whether the development is acceptable in terms of its impact upon nearby residents, and whether the design suitably reflects the character of the area, both with regard to Policies BE1 and H7 of the UDP.

The reduced scheme does retain a significant rearward projection at ground floor level, although this is limited to 8m at first and second floor level for the residential element. With regard to the single storey element, this is not considered to be significantly harmful to the character or amenities of the area, although it does leave a limited external parking and servicing area at the rear of the site, there are no technical objections to this. With regard to the additional shop floorspace, there is no conflict with Policy S6 of the UDP.

With regard to the residential accommodation proposed above, the design and layout of this is restricted by the constraints of the site. It is not possible to provide windows in the northwestern elevation as this faces the recently permitted development at 103. To the northeast a large window is provided but is shown to be screened to prevent overlooking over the rear amenity area at 99 Queensway. Skylight windows are provided for the second floor accommodation. The layout of the development means that any future occupiers will benefit from limited light and prospect.

With regard to the concerns raised by the Inspector regarding the impact upon 1 Woodhurst Avenue, this proposal would not appear to have addressed those concerns, since overlooking will still occur from the access staircase towards that property and from the windows in the rear elevation at first floor level and above.

The first/second floor extension will have an impact upon neighbouring residential properties at 99 Queensway and to a limited extent its neighbours beyond in the form of loss of lighting and prospect, however given the orientation of the property and the design of the proposal, and the Inspector's comments on this matter, this may be considered acceptable.

Although there is permission for two/three storey development at 103 Queensway, this has a road frontage to Woodhurst Avenue and is not directly comparable with this scheme. In particular a substantial parking and refuse area is provided at the rear of the site in that case. The development permitted at 105 and 129 Queensway is comparable to that at 103 and therefore also different from this site for the same reasons. The extensions allowed at appeal at 61 Queensway are more similar to the revised scheme now proposed here, however the ground floor element was considerably smaller, there was no second floor of accommodation proposed, and the roof was subservient in comparison to the main building.

Notwithstanding comparisons with the other planning permissions within this area, this scheme must be considered on its merits with regard to the relevant UDP policies. On balance, the improved roof design has overcome the Inspector's concerns regarding the character and appearance of the development, however there remains concerns about overlooking from the stairs, walkway and front door over both residential properties to the rear and the side.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed two storey rear element of the development, by reason of its design and layout, would give rise to an unacceptable degree of overlooking to residential properties to the side and rear of the site, therefore contrary to Policies BE1 and H7 of the Unitary Development Plan.

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