

Decision Maker: PLANS SUB-COMMITTEE NO. 2

Date: Thursday 13 September 2012

Decision Type: Non-Urgent Non-Executive Non-Key

Title: 59 MAYFIELD AVENUE, PETTS WOOD

Contact Officer: Tony Stewart, Development Control Manager
Tel: 020 8313 4956 E-mail: Tony.Stewart@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Petts Wood and Knoll;

1. Reason for report

1.1 The two storey rear extension at this property was built higher than originally permitted and an application (ref: 12/00014) to regularise the change was refused and enforcement action authorised earlier this year. The extension has now been modified to bring it more in line with the permitted scheme. This report sets out the changed circumstances to enable Members to consider the expediency of continuing enforcement action.

2. **RECOMMENDATION(S)**

2.1 The previously authorised enforcement action be withdrawn and no further action be taken.

3. COMMENTARY

- 3.1 Under reference 10/02541 permission was granted for various forms of development at this site including a part one/two storey rear extension with Juliet balcony to rear. The original scheme included a first floor flank window facing number 61, Mayfield Avenue although this was subsequently deleted by the applicant as part of a non-material amendment application. Work commenced in April, 2011.
- 3.2 Under reference 11/02867, permission was granted for an amendment to the permitted scheme to enable a change to the design of the single storey rear conservatory extension. The permission was subject to a condition requiring the flank windows facing No. 61 to be obscure glazed.
- 3.3 Following concerns raised by the neighbours at No. 61, it was established that the works being carried out on site deviated from the original permission. In particular, the two storey rear extension had been constructed higher than permitted and was linked into the roof of the main house well above eaves level. This was taken up with the applicant and a revised application (ref.12/00014) was submitted in January, 2012 to regularise the work. Members, having considered the changes and increased height, refused planning permission due to the impact of the enlarged extension on the appearance of the dwelling and the amenities of No. 61
- 3.4 . Enforcement action was also authorised and the notices have been prepared but not yet issued. However, since this decision was made the height of the rear extension has been reduced to bring it more in line with the original permission. Due to discrepancies in the application drawings and a drop in level across the rear garden from south to north the height of the extension varies across the rear. However, from the neighbours' perspective the height of the two storey extension as viewed from No. 61 is scaled on the relevant plans at 5.1 metres and this height measurement has been confirmed on site. There is, however, a parapet wall at the rear which exceeds this height and is visible from the neighbours' property.
- 3.5 As regards the single storey conservatory extension, also at the rear, this has been built lower than permitted under reference 11/02867 and has obscured glass in the flank, as required by the condition.
- 3.6 During the processing of the applications affecting this site and the enforcement action, the neighbours at No. 61 have continued to express concern at the way the work has been carried out beyond the terms of the permission and in advance of any revised permission. In response to the current position on site they say that they hope that the Council will enforce the earlier decision so there will be no more surprises and the build can be finished as per the original permission. They contend that if the roof is permitted as it is now, the parapet wall will make it look very much the same as it did before the applicants reduced the height when viewed from both their back garden and from East Cote. In their opinion, the parapet wall looks very odd and unsightly when viewed from their property. The whole rear extension will still constitute poor design resulting from a harmful visual impact detrimental to the appearance of the host dwelling and the amenities of neighbours.
- 3.7 For Members' information, the applicants have been requested to submit accurate drawings to show the development 'as built' but none have been received to date. However, there are photographs on file which indicate the position regarding the height of the extension, the parapet wall and the single storey extension as seen from No. 61. Given that the conservatory has been built at a lower height than permitted and has the required obscure glazing in the flank elevation and the height of the two storey rear extension has been reduced, the only outstanding planning issue is the parapet wall at the rear.

- 3.8 Members will therefore need to consider whether it is expedient to continue enforcement action against this particular element. On balance, it is recommended that no further action be taken in view of the reductions now made and the limited impact of the parapet wall on the amenities of the area.