

SECTION '2' – Applications meriting special consideration

Application No : 12/02122/FULL6

Ward:
Cray Valley West

Address : 40 Midfield Way Orpington BR5 2QJ

OS Grid Ref: E: 546774 N: 169913

Applicant : Mrs D Young

Objections : YES

Description of Development:

Part one/two storey and first floor front/side/rear extension
RETROSPECTIVE APPLICATION

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads

Proposal

Retrospective permission is sought in relation to a first floor extension which has been built to a larger size than approved. Planning permission was granted in 2007 for a part one/two storey side/rear extension, but the extension was subsequently enlarged so that its rearward projection extended further to the rear – in line with the enlarged ground floor – and a first floor recess / inset feature to the south-western corner of the dwelling has been infilled.

Location

The application property is situated within a corner plot fronting The Avenue and Midfield Way – a local distributor road predominantly residential in character.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and a number of representations, including from the Chislehurst Society, were received which can be summarised as follows:

- extension has led to loss of adjoining downpipe meaning that adjoining dwelling is subject to flooding

- concern that enlarged dwelling has increased use of sewage pipes which also serve neighbouring houses
- loss of light to adjoining dwelling, including kitchen and dining room, due to increased depth of first floor extension

Comments from Consultees

Comments were received from Thames Water in relation to surface water drainage which have been forwarded to the Agent.

Planning Considerations

Policies BE1, H8 and H9 of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design, to safeguard the amenities of neighbouring properties and ensure that a satisfactory degree of separation is maintained between two storey development and flank boundaries.

Planning History

Two applications have previously been submitted in relation to the application dwelling:

06/01318 – permission was refused for a first floor front/part one/two storey side/rear extension on the following ground:

“The proposed extension by reason of its size and siting on this exposed corner site would result in an incongruous form of development, detrimental to the symmetrical appearance of this pair of semi-detached houses and the visual amenities of the street scene in general, contrary to Policies H.3 and E.1 of the adopted Unitary Development Plan and Policies H8 and BE1 of the second deposit draft Unitary Development Plan (September 2002).”

07/02705 – permission was subsequently granted for a part one/two storey side/rear extension in September 2007. However, a breach of planning control concerning the size of the first floor extension was reported in March 2009.

Enforcement action has been authorised requiring the applicant to rectify the first floor extension so that it accords with the scheme approved in 2006. However, any enforcement action remains in abeyance pending the outcome of this planning application.

Conclusions

The main issues relating to the application are the effect that it has on residential amenity, and on the character and appearance of the existing dwelling and surrounding streetscene.

The application dwelling forms one half of a pair of 1950s semis which are characterised by their red brick facades. The application dwelling is situated within

a corner plot fronting Midfield Way and The Avenue with most of the external elevations of the dwelling fully visible from the surrounding roads.

As noted above, planning permission was granted for ground and first floor extensions under ref. 07/02705. In considering this application, it is necessary to consider the changes made in respect of that application, and assess their impact in respect of local character and neighbouring amenity.

The completed extension now projects an additional 1.1m further rearward than the plan approved in 2007 (as scaled from the submitted plan), which results in a total 4.0m extension depth beyond the rear elevation of the original dwelling. This aligns with the ground floor extension meaning that the first floor inset shown in the approved plans has been lost. The first floor extension remains inset in relation to the western flank wall of the ground floor element (fronting The Avenue) by approximately 1.8m, but the recess to the south-western corner and front inset is occupied by the enlarged first floor. As a result the first floor elevation is unrelieved along its western side.

The enlarged dwelling appears particularly prominent from The Avenue, especially given its more square-shaped appearance and resultant bulk. It is considered that its overall size and bulk well exceeds that of surrounding houses, meaning that the house appears cramped and out of scale in relation to its plot and wider surroundings. The 2007 application was approved on the basis that the first floor was inset in relation to the ground floor flank and rear elevations, but the changes here are so significant as to alter the overall form and appearance of the dwelling. It is not considered that the part-rendering of the dwelling mitigates from the overall impact of the development. It is also considered that the first floor extension undermines the symmetrical appearance and balance characterising this pair of semi detached houses.

Furthermore, it is considered that the increased depth of the first floor extension is excessive so as to seriously prejudice the amenities of the occupiers of the adjoining dwelling at No. 38 by reason of its visual dominance and loss of prospect.

Taking the above considerations into consideration, it is recommended that permission is refused and that authorisation be granted to expedite enforcement action to alter the unauthorised first floor extension, in line with the 2007 approval.

Consideration has been given to the Human Rights Act 1998 and the appropriate Convention Rights. Officers are satisfied that these rights will not be breached or alternatively any breach is justified under the doctrine of proportionality.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/01318, 07/02705 and 12/02122, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The first floor extension constitutes a cramped overdevelopment of the site, over-dominant and out of character with the surrounding area, particularly so on this exposed corner site fronting The Avenue and Midfield Way, thereby contrary to Policies BE1, H8 and H9 of the Unitary Development Plan.
- 2 The first floor extension, by reason of its size and form, undermines the symmetrical appearance and balance characterising this pair of semi detached houses, as such contrary to Policies H8, H9 and BE1 of the Unitary Development Plan.
- 3 The depth of the first floor extension is excessive and the development therefore seriously prejudices the amenities of the occupiers of the adjoining dwelling by reason of its visual dominance and loss of prospect, thereby contrary to Policy BE1 of the Unitary Development Plan.

INFORMATIVE(S)

- 1 You are advised that enforcement action has been authorised in respect of some or all of the development subject of this planning decision and you should contact the Planning Investigation Team on 020 8461 7730 or by email to planningappeals@bromley.gov.uk to discuss what you need to do to avoid formal action by the Council.

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