

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 12/03353/FULL1

Ward:
Hayes And Coney Hall

Address : 53 Kechill Gardens Hayes Bromley BR2
7NB

OS Grid Ref: E: 540392 N: 167128

Applicant : Image Property Management

Objections : YES

Description of Development:

Two storey detached dwelling house.

Proposal

This application proposes a two storey detached dwelling, with integral garage and associated vehicular access on land at 53 Kechill Gardens.

There is an existing two storey, flat roof side extension to number 53 which is to be demolished as part of this proposal. A street elevation has been submitted as part of the application which demonstrates that the ridge height of the proposed dwelling will not exceed the highest part of the ridge to number 53. A minimum 1m side space will be provided to the north boundary. The boundary to the south proposes an approximately 1.4m side space to the front of the dwelling with the boundary tapering off to propose a minimum of 1m side space to the rear; a single storey rear element is offset from this boundary by c 4.6m.

A 33m rear garden with a minimum width of 8m is proposed.

Location

The site is a semi-detached two storey dwelling house located to the northern end (cul-de-sac) and on the west side of Kechill Gardens. The immediate vicinity comprises a mix of semi-detached two storey and bungalow development and includes a variety to detail of roof design.

Comments from Local Residents

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

- the proposed scheme will not sit comfortably within its plot and side space is reduced

- out of scale and character with rest of cul-de-sac – all properties in cul-de-sac are semi-detached and of the same style
- inadequate parking at present - this would get worse, impacting on road safety and accessibility for emergency vehicles; would also impact on present situation which allows children to safely play in street
- conflicts with conditions imposed on application ref 12/02589
- block light to neighbouring dwelling
- protect against overlooking from side window
- concerns about how the garden will be divided, access and potential loss of trees
- no problem with existing extension as it had been hidden by trees (which have now been cut down)
- precedent for further development
- previous planning refusals due to proximity to 51
- restrictive covenants

Comments from Consultees

Highways Planning have been consulted and their comments will be reported verbally to Committee.

Planning Considerations

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

BE1 Design of New Development
 H7 Housing Density and Design
 H9 Side Space

Supplementary Planning Guidance 1
 Supplementary Planning Guidance 2

Planning History

The planning history includes a previous refusal, ref. 03/03279, for a two storey side extension which proposed a minimum 1 metre side space. The ground of refusal being:

‘The proposed extension, by reason of its size and design, would be out of character and detrimental to the visual amenities of the area, contrary to Policy H.3 of the adopted Unitary Development Plan and Policy H8 of the second deposit draft Unitary Development Plan (September 2002)’.

A subsequent application, ref. 12/02589, for a part one/two storey side and rear extension was granted planning permission in October 2012 which proposed a 3.7m side space to the southern boundary.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Planning Policy BE1 requires that development should be imaginative and attractive to look at and should complement the scale, form, layout and materials of adjacent buildings. Objections have been received which raise concerns that the proposal is out of character with the immediate vicinity. They also indicate that there is mostly semi-detached development nearby. However, the agents supporting statement does demonstrate examples of detached dwellings in the road albeit not in the cul-de-sac part of the road. The submitted plans show that with the demolition of the existing two storey flat roof side extension a significant side space remains to the host dwelling. It may be considered that the removal of this incongruous extension would be beneficial to the appearance of the street scene. The erection of a two storey detached dwelling will clearly result in a reduced side space to that existing, however with 1m minimum side-space proposed to the north and south boundaries (1.4m to the front of the proposed dwelling) it may not be considered unacceptable in its context. Whilst the design of the dwelling differs from the existing within the vicinity, policy requirements seek not to replicate but to complement the scale, form and layout of adjacent buildings and areas and therefore in this respect the proposal may not be considered unacceptable.

In terms of the impact of the development on neighbouring amenities, the proposed dwelling mostly respects the existing front and rear building lines of adjacent development, with the two storey element sitting approximately 1.8m beyond the existing rear building line and 0.8m beyond the front building line (although the design presents a staggered front elevation). The first floor flank window serves a bathroom and in the event of a planning permission relevant conditions can be imposed to safeguard against any undue overlooking. It is not considered that the scheme will have such a negative impact on neighbouring amenities to warrant a planning refusal in this respect.

Objections raised with reference to previous planning refusals and permissions are noted. The ground of refusal is referenced above and a copy of the historic plan is available on file. The planning considerations in respect of these previous applications were in the context of extensions to the existing dwelling; the introduction of a separate unit is to be considered on its own merits.

In respect of objections raised with highway safety and parking concerns, as stated earlier in the report, Highway comments will be reported verbally to Committee.

With regard to objections raised in respect of restrictive covenants it should be noted that in the event of a planning permission covenants are a private civil matter.

Given the above and subject to any Highways comments it may be considered that the proposal presents an acceptable scheme in that it would not have such a negative impact on the character of the area nor neighbouring amenities to warrant a planning refusal.

Background papers referred to during production of this report comprise all correspondence on files refs. 03/03279, 12/02589 and 12/03353, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
- 3 ACA07 Boundary enclosure - no detail submitted
 ACA07R Reason A07
- 4 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
- 5 ACI02 Rest of "pd" Rights - Class A, B,C and E

Reason: In order to comply with Policies H8 and BE1 of the Unitary Development Plan and in the interest of the neighbouring amenities.

- 6 ACI08 Private vehicles only
 ACI08R Reason I08
- 7 Before the development hereby permitted is first occupied the proposed window(s) to the first floor south elevation shall be obscure glazed incapable of being opened other than by a top opener in accordance with details submitted to be submitted to and approved in writing by the Local Planning Authority and details of any openings shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained in accordance with the approved details. In the interests of the privacy of adjoining properties and openings should be at high level.
 ACI11R Reason I11 (1 insert) BE1
- 8 ACK01 Compliance with submitted plan
 ACC01R Reason C01
- 9 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development
H7 Housing Density and Design
H9 Side Space

Supplementary Planning Guidance 1
Supplementary Planning Guidance 2

INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the

Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

