

SECTION '2' – Applications meriting special consideration

Application No : 13/00771/FULL6

Ward:
Shortlands

Address : 90 Malmains Way Beckenham BR3 6SF

OS Grid Ref: E: 538837 N: 167746

Applicant : Dr Sivalingam Sivathanan

Objections : YES

Description of Development:

First floor side and rear extension

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency

Proposal

The application property is a detached modern house built in the mid 1990's and features a front gable and a pitched 'catslide' roof orientated away from the north-western boundary. It is proposed to extend this dwelling in the form of a first floor side and rear extension. The existing front gable feature would be replicated at the opposite side of the house and is shown in the elevation plans to be flush with the main front wall and set back approx. 2.15m with the boundary with No.88. Two windows are shown in the first floor side elevation which would serve the lading area and a wardrobe and en-suite facilities, both of these windows would be obscure glazed.

To the rear half of the house and projecting approx. 4.05m beyond the rear wall the first floor rear extension will not be set in but will extend out flush with the flank wall of the house. At this point a distance of 1.1m would be maintained to the boundary with No.88. No windows are shown in either first floor flank elevations, there will be one rear elevation window.

Location

The property is located at the south-eastern end of Malmains Way close to the junction with Bushey Way. The street is characterised by detached dwellings of varied design mostly dating from the 1920-50's set within an attractive tree-lined setting. The property falls within Park Langley Area of Special

Residential Character (ASRC) and is described within the Unitary Development Plan (UDP) as follows.

“...built sporadically between the 1920’s and 1950’s, whilst not of the same exceptional standard [as the Conservation Area] has the character of a garden estate given by the high quality and appearance of the hedges, walls, fences, and front gardens. The area, which comprises almost exclusively large detached two storey family homes on generous plots ...represents a coherent, continuous and easily identifiable area, which has maintained its character and unity intact.”

Comments from Local Residents

Nearby owners/occupiers were notified of the application and 3 representations were received including a letter from the Park Langley Residents Association (PLRA) which can be summarised as follows:

- PLRA – Previously the Inspector concluded that the adverse effects on the living conditions of neighbours, particularly those at No. 88 would lead to conflict with the Unitary Development Plan (UDP). Accordingly the proposed development should only be permitted if it overcomes the inconsistencies with the UDP as identified by the Inspector in respect of the impact on neighbouring property and the character of the local area.
- No.88 – As the sun rises to the north of Malmaims Way and travels round the other side of No.90 we would still lose a considerable amount of daylight, particularly in winter, spring and autumn
- one of main concerns is the impact on our rear terrace this area currently a “sun trap” will not get any sun until the afternoon if the proposal were to go ahead
- proposal will significantly encroach upon natural light to kitchen, this would be more apparent during the winter when the sun is lower in the sky.
- the kitchen is the hub of the house and also a working environment where natural light is essential
- proposal does not fully address the concerns raised by the Inspector in dismissing the previous proposal
- No.92 – The first floor rear extension extends beyond current building line and that of neighbouring properties and is disproportionate in relation to neighbouring homes.
- the proposal will block my views and create a sense of enclosure

Planning Considerations

In considering the application the main policies are H10, H8 and BE1 of the Unitary Development Plan.

Policy H10 concerns Areas of Special Residential Character, applications in these areas will be required to respect and complement the established and individual qualities of the area.

Policy H8 concerns residential extensions and requires the design and layout of proposals to complement the scale and form of the host dwelling, respect spaces and gaps between buildings where contribute to the character of an area.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

Due regard should also be given to the conclusions of the Inspector in dismissing the previous application (ref.11/03032) for the first floor side and rear extension.

The principle issues in this case are whether the current scheme complies with the main policies quoted above and also whether the new proposal addresses and overcomes the issues set out by the Inspector in dismissing the previous proposal.

The main differences between with the current application as compared to the previous application under planning ref. 11/03032 are as follows:

- reduction in the width of the of the first floor side element as it relates to the latter third of the original dwelling (0.55m x 3.88m).
- deletion of flank elevation windows to first floor rear element
- 0.2m reduction in height of roof to first floor rear element from approx. 6.6m to 6.4m.

In support of the proposal the applicant's agent sets out the following points:

- the distance maintained to the boundary with No.88 would not be less than 1.1m, the flank to flank distance between Nos. 88 – 90 would be approx. 3.2m at ground floor level and 4.25m at first floor level
- the design of the proposed extension seeks to enhance the current street elevation by removing the existing 'catslide' roof and adding a second gable which would mirror the existing gable and add symmetry and balance to the front elevation design
- the argument that the proposal would diminish natural light to the kitchen at No.88 does not stand up on examination of the conditions that one can assess from outside the property in that the space cannot be considered as a kitchen / diner as it is too small an area and at some time in the past the property was extended to the rear which would have required loss of the existing door to the garden
- the submitted drawing show the angles of light which exist and which would be provided in order that a proper judgement can be made.

The most recent appeal decision regarding this site relates to a very similar proposal for a first floor side and rear extension under planning ref. 11/03032. The Inspector highlighted the main issues as: a) the living conditions of neighbouring occupiers at No.88 in respect of overbearing effect and loss of light and No.92 in terms of loss of privacy, b) the appearance and character of the neighbourhood.

With regards to the impact of the proposal on No.88 the Inspector noted the following [paras. 4-5]:

“... In view of the close proximity of the kitchen window at No.88 this would have a significant effect on the outlook from that room. In considering the extent, height and proximity of the proposed side extension, it seems that this would give rise to a considerable overbearing effect and would also result in a loss of access to daylight. In turn, this would compromise the living conditions experienced by the occupiers of No.88...despite the improvement, the impact on living conditions at No.88 cannot be said to have been addressed sufficiently to enable the current scheme to be regarded as acceptable.” the development quality aims of H9 and H10 of the UDP”

With regards to the impact of the proposal on the neighbouring property at No.92 the Inspector noted [para. 6]:

“..there are concerns relating to overlooking from proposed bedroom 5 southwards towards No.92...this relationship does appear unsatisfactory in terms of maintaining privacy.”

With regard to the impact of the proposal on appearance and character of the neighbourhood, the Inspector considered that the design should be regarded as acceptable in terms of its impact on the street scene. In particular it was noted that the rear / side element would be set back from the frontage and as a consequence would have comparatively little impact on visual amenities. The overall conclusion of the Inspector was that although the scheme did have some positive merit the adverse effects in the living conditions of No.88 would conflict with UDP.

The deletion in the first floor window facing No. 92 is an improvement and resolves the issue regarding direct overlooking of this property. The main change to the first floor side extension is relatively minor and does not reduce the width of the extension where it is arguably most needed opposite the most affected window at No.88. Furthermore the height of the first floor extension remains the same and whilst this makes for a pleasing symmetry in terms of the overall appearance of the house, the levels of light and visual impact for occupants of No. 88 would be very similar.

Conclusions

The Design and Access Statement submitted alongside the application offers limited insight into how the current scheme would lessen the impact on No.88.

As compared to the previous applications the current scheme is an improvement. However, having regard to the Inspectors comments it is considered that the adverse impacts on living conditions of occupants of No.88 have not been sufficiently addressed.

Background papers referred to during production of this report comprise all correspondence on files refs. 13/00771, 11/03032 and 10/02118, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed extension would be detrimental to the amenities that occupants of No.88 might reasonably expect to be able to continue to enjoy by reason of loss of light, outlook and visual impact thereby contrary to Policies BE1 and H8 of the Unitary Development Plan.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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