

SECTION '2' – Applications meriting special consideration

**Application No :** 13/00531/FULL6

**Ward:**  
**Shortlands**

**Address :** 20 Malmains Way Beckenham BR3 6SA

**OS Grid Ref:** E: 538380 N: 168197

**Applicant :** Mr R Jewitt

**Objections :** YES

**Description of Development:**

First floor side/rear extension with juliet balcony

**Key designations:**

Conservation Area: Park Langley

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Open Space Deficiency

Update

Members will recall that this application was due to be considered at the Plans Sub Committee held on the 11th July 2013. However, it was considered that the applicant should be given the opportunity to review the Daylight assessment submitted on behalf of the objectors at No.18 Malmains Way.

Accordingly, should the applicant have additional comments to make on this basis the Committee will be advised.

Members will note that the Daylight Assessment submitted as part of the objections to this scheme is available on file to view. A technical analysis has been undertaken to demonstrate the impact on the side kitchen window. This report states " this window should be considered to be a primary window to a main habitable room. This is on the basis that the kitchen work surface area is located to the internal parts of the room, away from the windows in the rear elevation, and the location of doors and circulation routes in the building is such that this will always be the practical, usable kitchen area which therefore relies primarily on the light received through the window in the flank wall. That window is original to the house.

Our study has been carried out in accordance with the recommendations of the Building Research Establishment Report " Site Layout Planning for Daylight \_ Sunlight: A Guide to Good Practice" 2011. The primary daylight assessment calculates the vertical sky component (VSC) to the centre

of the window. The VSC is the visible sky, as measured on the template provided for the BRE report. The report advises that the diffuse daylighting to an existing neighbouring building may be adversely affected if the VSC is below 27% and is reduced to less than 0.8 times its former value.

At present the window receives 12.5% VSC. The proposed extension will reduce this to 7.75% VSC. This is a reduction of 38% from existing and is almost twice the level of reduction permitted by the BRE guide.

Therefore, the scheme should be considered to fail the planning policy of the London Borough of Bromley for safeguarding daylight to neighbouring residential properties"

Clearly, Members must in their considerations take account of this information. However, this is must be together with all other material considerations of the application and council policy. Such as the fact the kitchen /dining room does have other windows and doors facing rearwards. Accordingly, Members must consider whether the overall harm to this side window from the extension is unduly harmful.

Members will recall that the application was first considered by the Plans Sub Committee held on the 13th June 2013. Members resolved to defer this case in order that a site visit is carried out at 18 Malmaison Way. A site visit was carried out and the photographs taken at the time are also available on the file.

The previous report is reported as before.

## **Proposal**

This proposal is for a first floor side/rear extension with Juliet balcony. The application site is a two storey detached dwelling located within Park Langley Conservation Area, an Edwardian 'garden suburb' development and later low density housing in a mature landscape.

Much of the character of the Conservation Area is derived from a spacious layout, typical of the Garden City movement. Streets are broad and often curving: the original designers strove to maintain at least 100 feet between the frontages of houses facing each other across the street. Mature trees remain from prior to the development of the estate. Many of the houses have extensive gardens with generous side space separating them from their neighbours.

The Park Langley SPG states "the Council will pay special attention to the landscape and spatial characteristics of the area and ensure that the green and spacious aspect of the estate is not eroded. It will achieve this objective through the development control process, where proposals that would bring about a reduction in the spatial standards of the area, most particularly an erosion of existing side space between dwellings, will normally be resisted".

## **Comments from Local Residents**

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

- the existing side space adjacent to proposed extension is significantly less than at the front and is below 1m which has not been shown on the plans. Therefore does not comply with Policy H9 (i).
- spacing from gutter edge of existing building to boundary wall is 0.5m which is not shown on plans.
- unacceptable significant reduction in natural light to main working surfaces of kitchen of No. 18.
- previous application ref: 98/0161 removed proposed extension to maintain daylight angle to side kitchen window. If built would severely affect daylight angle and right to natural light. Therefore contrary to UDP Policy BE (iv) and (v).
- No. 20 was originally built as a 3 bedroom property with wide separation at first floor level from side elevation and windows of No. 18. Separation significantly eroded in 1998 when fourth bedroom was added to No. 20. Current proposal would infill remainder of side space where wider separation exists contrary to Policies H9 (ii).
- loss of side space and amenity affecting No. 18, an original 1914 house, contrary to SPG for Langley Park Conservation Area.
- concern as application form is not correct version within a Conservation Area.
- light calculations provided to demonstrate angle from the centre of the side window of kitchen at No. 18 to the roof ridge of single storey element at No. 20 which at present is approximately 20 degrees. Proposed two storey structure would increase angle to approximately 54 degrees therefore breaching BRE guidance standards.
- the translucent sheeting over No. 18 sideways has less impact on daylight and sunlight through the window than would the proposed 1st floor flank wall and eaves/gutter projection above it, given limited side space.

In response to these objections further comments were received from the applicant which stated:

- there is a very tall boundary wall (approximately 2.7m) provided via a written agreement in 1998 between Nos. 20 and 18 at time of original building works which was original flank wall of extension which was built up to original boundary and subsequently demolished to make way for new building works to create space between properties as per UDP policy.
- there is an existing polycarbonate roofing at No. 18 which adjoins the boundary wall and the proposed extension would have less impact on light than this existing structure.
- proposed first floor extension was not part of original application and was not withdrawn to maintain daylight angle as stated by No. 18.
- existing ground floor extension is 1m from boundary at narrowest point. First floor extension will be set back a further 160cm from rear wall of original ground floor extension.

## **Comments from Consultees**

The Advisory Panel for Conservation Areas have objected to the proposal as it was considered to be of poor design, contrary to Policies BE1 and BE11.

From a heritage perspective it was not considered this proposal would cause harm to the conservation area as it is almost entirely out of view from the public realm and retains an acceptable side space.

## **Planning Considerations**

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

BE1 Design of New Development  
BE11 Conservation Areas  
H8 Residential Extensions

Supplementary Planning Guidance1 General Design Principles  
Supplementary Planning Guidance 2 Residential Design Guidance  
Supplementary Planning Guidance Park Langley Conservation Area

The London Plan and National Planning Policy Framework are also key considerations in the determination of this application.

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework.

## **Planning History**

In 1998 under planning ref. 98/00161, permission was granted for a part 1/2 storey side/rear extension and single storey rear extension plus first floor front extension with revised plans received.

In 1998 under planning ref. 98/02417, permission was granted for a first floor rear extension.

## **Conclusions**

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

The Park Langley SPG "the spacious layout of the estate does provide scope for the addition of sensitively designed extensions. However, a new extension should not dominate the existing host building or significantly alter the spatial characteristics of the road by taking up large amounts of side or front space. For this reason, the rear elevation will be the preferred location for extensions, but this does not preclude the possibility of alterations elsewhere".

In this instance the proposal would be sited behind the rear elevation of the approved part 1/2 storey side/rear extension (planning ref. 98/00161) and as such would be largely obscured from view within the streetscene. The proposal is considered to have been sensitively designed to respect the visual amenities of the host dwelling, replicating an approved first floor rear extension, and is not considered to impact detrimentally upon the character of the Conservation Area. Although the proposal would be 1m from the flank boundary with No. 18 within a Conservation Area where greater spatial standards are generally required, the proposal would not project beyond the outermost flank elevation. As such the proposal would not result in an additional detrimental impact upon the spatial standards of the area and is considered to comply with Policy H9 of the UDP.

The existing dwelling at No. 18 projects beyond the first floor of the application site at present with the result that the proposed extension would project marginally (approximately 0.6m) beyond the rear elevation of No. 18. Given this relationship the proposal is not considered to result in a significant loss of light for the windows located on the rear elevation of No 18. No windows are proposed to be located in the western flank elevation of the extension and as such the potential loss of privacy for No. 18 would not be significant.

In terms of the impact on the residential amenities of No. 18 the main objections pertain to the loss of light for a ground floor secondary window to a kitchen in the flank elevation. In the first instance it is essential to note that 'Right to Light' legislation (usually acquired under the Prescription Act 1832) is a common law matter independent of planning legislation. The Building Research Establishment's report BR209: Site layout planning for daylight and sunlight: a guide to good practice (Littlefair, P.) provides guidance on how to ensure that adequate daylight and sunlight is provided for existing and proposed developments. Other matters that will be taken into consideration in assessing the potential overshadowing from an extension include:

- The design of the extension e.g. roof pitch and overall height;
- The nature and aspect of the affected room;
- The size of the affected window;
- Whether the room has other affected windows; and
- Whether the affected window is the primary light source for that room.

The affected window would be located on the eastern flank elevation and given the relationship with the proposed development a loss of light would occur in this instance. However, Members must consider whether on balance this loss of light would be within the realms of acceptability or whether the application should be refused on this basis.

In light of the above guidance, Members may firstly wish to consider the pitch of the roof which is hipped away from the application site with a ridgeline set approximately 0.85m below that of the main dwellinghouse with an overall height of 6.65m. During the course of the previous application in 1998 concerns were also raised from No. 18 with respect to loss of light. Since this time a polycarbonate lean to structure has been erected to the side of No. 18 adjoining the flank boundary wall, which still allows some diffused light to enter the kitchen. The sill of

the kitchen window is located approximately 1.7m (5 ft 5 inches) above finished floor level and faces onto an approximately 2.65m high wall at its lowest point (as measured by the case officer). As stated above this window constitutes a secondary window for a kitchen and is not the sole source of light for this room, as such while some light will be lost during the morning, from a planning perspective it is not considered this would be of such an extent as to warrant refusal.

Given the considerable distance of the proposal from the flank boundary with No. 22 the impact on the residential amenities of this property would be minimal.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/00531, excluding exempt information.

### **RECOMMENDATION: GRANT PERMISSION WITH/WITHOUT CONDITIONS**

- |   |           |  |         |       |       |       |    |
|---|-----------|--|---------|-------|-------|-------|----|
| 1 | ACA01     | Commencement of development within 3 yrs |         |       |       |       |    |
|   | ACA01R    | A01 Reason 3 years                       |         |       |       |       |    |
| 2 | ACC04     | Matching materials                       |         |       |       |       |    |
|   | ACC04R    | Reason C04                               |         |       |       |       |    |
| 3 | ACK01     | Compliance with submitted plan           |         |       |       |       |    |
|   | ACC01R    | Reason C01                               |         |       |       |       |    |
| 4 | ACI13     | No windows (2 inserts)                   | western | first | floor | flank |    |
|   | extension |  |         |       |       |       |    |
|   | ACI13R    | I13 reason (1 insert)                    | BE1     |       |       |       | H8 |

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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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