

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

**Application No :** 14/00042/FULL1

**Ward:**  
**Plaistow And Sundridge**

**Address :** Land Adjacent To 27 Edward Road  
Bromley

**OS Grid Ref:** E: 541075 N: 170533

**Applicant :** Mr Jayant Kapadia

**Objections :** YES

**Description of Development:**

Detached two storey six bedroom house with accommodation in roofspace, integral garage and associated vehicular access and car parking

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Open Space Deficiency

**Proposal**

The proposal is for a detached two storey six bedroom house (with accommodation in the roof space) on a vacant plot that was created from the sub-division of the garden of No.27 Edward Road.

The current application is for a house with a similar footprint to a scheme previously permitted under ref.13/00655. A later application (ref.13/03135) which sought revisions to the scheme, (including the addition of a single storey element with a rearward projection of approximately 4m and the deletion of the cat slide roof which is to be replaced with a vertical flank wall adjacent to No. 31 Edward Road), was refused at Committee on 9 January 2014.

The current application omits the single storey addition adjacent to the boundary with No. 31 Edward Road, but retains the vertical flank wall adjacent to No.31 (instead of the cat slide roof), it also removes the gable that was added as part of application ref.13/03135 (previously refused at Committee on 9 January 2014) and hips the roof back, which more closely replicates that granted planning permission under ref.13/0655.

When compared to the approved scheme (ref. 13/0655) the width of the roof at ridge height has been increased from approx. 5.5m to 8.1m and the associated increase in the height of the flank wall is from approx. 3.8 to approx 5.6m. The changes to the roof will allow full head height in all parts of the rooms on the first floor and will increase the quantum of potential floorspace available in the roof of the building. It will also increase the bulk of the roof of the building adjacent to No.31.

The proposal also includes some other minor modifications to the footprint of the building that will result in the squaring off of the footprint of the building.

The overall width of the building when scaled from the drawings including the chimney and decorative brick plinths is 15.5m, compared to 15m in the approved scheme (ref. 13/03135). This allows for a minimum 1.05m side space to the flank elevation of the proposed building adjacent to No.31.

Multi-red clay plain tiles are proposed for the roof with render and clay plain tile hanging to walls

A bin area in the front garden of the property is indicated on the drawings but details of an enclosure have not been provided.

The applicant has submitted a 'Right to Light' document.

### **Location**

The site comprises a building plot between Nos. 27 and 31 Edward Road which was formerly part of the garden area to No.27. No. 27 Edward Road was previously redeveloped by the applicants and the plot divided to form the application site. The site has a slight cross fall in a south-west, north-east direction. The site has been cleared and a detached garage which formerly stood on the site, adjacent to No.27, has been demolished. The road is predominantly characterised by single dwellinghouses of varying designs and scales. Some properties in the road have been converted into flats or residential care homes. The site is not within a Conservation Area, or Area of Special Residential Character.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and comments were received from No.31 Edward Road and Robinson Escott Planning LLP (acting on their behalf).

The letter from the occupiers of No.31 can be summarised as follows:

- the ridge is further towards No.31 by approximately 2m and the height of the eaves is higher. This will affect the amount of natural light to No.31 and sunlight to the patio;
- the proposed house is too large for the site and extends too far to the rear of No.31;

- loss of privacy.

The letter received from Robinson Escott on behalf of the occupiers of No.31 is summarised as follows:

The planning history of the site is relevant in this case. Planning permission (ref. 06/02943) was granted in October 2006 for a detached 5 bedroom house with integral garage. The proposal was considered to be of an acceptable scale that would have a limited impact on the amenities of the neighbouring residents. This proposal incorporated a cat-slide roof to its north eastern side facing No.31. The roof design was considered to be an important factor when determining the scheme's acceptability. The cat slide roof reduced the bulk of the dwelling significantly, preserving the amenities of the occupants at No.31 and reducing its prominence when viewed from the street.

Planning permission was subsequently granted for a 5 bedroom detached dwelling in December 2008 (ref. 08/03539) which was subsequently renewed under ref: 11/03034 in November 2011, and for a 7 bedroom dwelling (ref. 13/00655) in May 2013. All of these proposals incorporated a cat-slide roof. The application for the 7 bedroom dwelling was deemed to be acceptable following the submission of revised plans that reduced the scale and bulk of the dwelling and introduced a cat-slide roof to the boundary facing No.31.

Whilst the applicant has removed the single storey rear projection and a rear gable the application still proposes to replace the cat slide roof to the north east facing No. 31 increasing its height and proximity to this boundary at first floor level.

When determining the previous applications on this site the Council has afforded significant weight to the importance of a cat-slide roof to the north eastern side of the house, so as to preserve the living conditions of the occupants on No.31 as well as reducing the overall bulk of the building to lessen its impact on the character and appearance of the street.

The position of the rooflights above floor level should be clarified.

Whilst it is not highlighted on the applicant's comparison drawing, the bulk and rearward projection of the roof has increased to the rear facing No.27 which is likely to impact the outlook from a number of flank windows from this property.

It is a requirement of public policy that there is consistency in decision making. There has been no change in planning policy circumstances or to the character of the site to justify a different view being taken regarding the proposal's acceptability.

#### Supporting Comments from Applicant

The applicant has submitted a range of additional material in support of the planning application.

The applicants have highlighted that there is more space on the side of No.31 than there is on the side of No. 27 and that there are many other properties on the street

and in the general area with less inter-ridge and inter-flank spacing. The applicant submitted photographic evidence to demonstrate this as part of planning application ref. 13/03135, and this is available on the history file.

A cat-slide roof will seriously compromise the ceilings of both of the bedrooms on the first floor on the side of the building adjacent to No. 31.

There is simply no way that a cat-slide roof would work unless we reduce the number of bedrooms on the first floor and have some weird layout inside. It would be very damaging to have reduced height ceilings on the first floor, and this would affect the future value and attraction if we were ever to sell the house.

A cat-slide roof would result in a huge area of roof tiles being visible from the golf club side, not particularly attractive for those living at the bottom end of Garden Road/Lodge Road. If we were allowed to have a flank wall this would be 2.8m away and the view from the side bedroom window of No.31 would comprise of flank wall and roof tiles creating a little more interest. The difference is 35cm or 13.5 inches. Importantly this side window is a secondary window and the impact on loss of light is evidently negligible because the room has a rear/front facing main window.

By insisting on a cat slide roof you would be adversely affecting two bedrooms and one bathroom.

While the Smith's at No.31 have enjoyed the privilege of having gardens on either side of them for all of these years, they do not have a right to that outlook. They always knew that the owners of No. 27 had a building plot next to them and they intended building a house there. If they did not want something built there they had more than 31 years to negotiate a deal to purchase the land themselves or negotiate a restrictive covenant by paying something acceptable to the previous owners.

Any further comments received will be reported verbally at Committee.

### **Comments from Consultees**

From a drainage point of view, no objections are raised subject to imposed conditions to ensure restrictions on any surface water discharge.

From a highways point of view, no objections are raised subject to imposed conditions ensuring the details of parking are satisfactory, provision of wash-down facilities during construction and suitable highway drainage prior to commencement.

No technical objections have been received from Thames Water or from an Environmental Health (pollution) point of view.

No significant trees would be affected by the proposal.

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan, The London Plan and National Planning Policy Guidance

BE1 Design of New Development  
H7 Housing Density and Design  
H9 Side Space  
T3 Parking  
T18 Road Safety

Supplementary Planning Guidance 1 and 2

National Planning Policy Framework 2012

## **Planning History**

Under planning ref. 06/00369, outline planning permission was refused for the erection of 1 two storey detached dwelling with integral garage adjoining No.27 Edward Road on grounds relating to the cramped overdevelopment of the site which would be out of character with the locality contrary to Policies H2, E1 of the UDP (1994) and Policies H6 and BE1 of the adopted UDP.

Under planning ref. 06/02943, planning permission was granted for a detached five bedroom house with an integral garage.

Under planning ref. 06/02943, planning permission was granted for a detached two storey 5 bedroom house with basement, integral garage and accommodation in the roof space with associated access and parking. An extension of the time limit to implement this permission was subsequently granted under ref. 11/03034.

A further application (ref. 13/00655) for a detached two storey seven bedroom house was granted planning permission in June 2013. This application included alterations to the design, siting and footprint of the dwelling, and included an increase in the height of the dwelling and a reduction in the level of side space to the flank boundaries.

Planning permission (ref. 13/03135) was refused. This application was for a similar proposal to 13/0655, apart from the fact that the proposal included an additional single storey rear extension, replaced the cat slide roof with a full height flank wall and added an additional rear gable feature. Other minor alterations were also included to square off the footprint. The application was refused on the grounds that the proposal represented the overdevelopment of the site, the unacceptable impact of the alterations to the roofline (when compared to planning permission ref. 13/0655) and the rearward projection of the single storey addition on No.31.

## **Conclusions**

The principle of a two storey dwelling of a similar footprint has already been established through the grant of permission ref. 13/00655 and previous applications.

In this case, the main issues are whether the current proposal would result in a cramped overdevelopment of the site, out of character and appearance in the street scene/wider area and whether the amenities of the adjoining owners would be adversely affected.

As the principle of the development of a dwelling with a similar footprint has already been established, the assessment of the issues in this case will focus on the revisions to the scheme; the alterations to the roofline and associated increase in the height of the flank wall, and the minor changes required to allow the squaring off of the footprint of the building.

Policies H7 and BE1 of the UDP require the scale and form of new residential development to be in keeping with the surrounding area and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

The application site was originally part of the garden of No. 27 Edward Road (a site that was previously redeveloped by the applicant and sub divided to form the application site). As a result of the characteristics of the site and the relationship between No.31 and the adjoining site, No.31 Edward Road is unusual in so far as it was built with a number of large windows on its flank elevation facing the application site, that are clear glazed. The impact of the previously approved schemes (refs. 06/02943, 06/02943, 13/00655) on these windows was assessed as part of the consideration of these applications and deemed to fall within acceptable levels. All of the approved schemes incorporated a cat-slide roof adjacent to No.31. The impact of the current proposal on No.31 and the other adjoining properties falls to be assessed as part of this application.

The construction of a dwelling on the land adjacent to No.27 will impact on the amenities of No.31 in terms of loss of outlook and loss of light. This assessment will need to determine whether the impact of the current scheme falls within acceptable levels.

In respect of the issue of the loss of light to these windows, the applicant has submitted a report from David Parratt Associates on 'Rights of Light'. The overall conclusion of this report is that:

"whilst the erection of the proposed house on the adjoining plot will cause some minimal diminution of the daylight entering No.31, Edward Road, that will never cause the residual daylight to fall below the level which the law regards as the standard to which the owners are entitled by right."

The previous permissions for the development of a dwelling on this site including refs. 06/029463, 08/03539, 11/03034 and 13/00655 all include a catslide roof adjacent to No. 31 Edward Road. The inclusion of a catslide roof reduces the bulk of the roof adjacent to No.31 and therefore also the impact of the proposed development on the amenities of No. 31 in terms of outlook and loss of light. The

alterations to the roof, including the increase in the width of the roof at ridge height from 5.5m to 8.1m, and the increase in the height of the flank wall adjacent to No. 31 from approx 3.8m to approx 5.6m will significantly increase the impact on No. 31 in terms of loss of outlook. It will also increase the impact of the proposal on No. 31 in terms of loss of light. It is noted, however, that the applicant has submitted a report indicating that the residual daylight to No. 31 will not fall below the standard to which the owners are entitled by right.

The single storey element to the rear of the property adjacent to the boundary with No.31 that was included in the previous application (ref. 13/00655) has been deleted from this proposal.

The minor changes to the footprint of the building to square off the rear elevation and the corner of the property adjacent to No.27 are not considered to result in any material impact on the adjoining properties over and above that assessed and considered to be acceptable as part of the previously approved schemes.

Previous applications have increased the height of the proposed dwelling and reduced the level of side space to the adjoining boundaries, seeking to justify this by reducing the rearward projection of the proposed building adjacent to No.31, to lessen the impact on No.31. Whilst the principle of the development of a dwelling on the site has been established this application seeks to further increase the bulk of the roof of the building and height of the flank wall. The history of the revisions to the proposed schemes need to be viewed in their entirety, with each proposal considered on its own merits and isolated elements of these proposals not used simply to justify development creep.

The applicant has indicated that the inclusion of a cat-slide roof will render two of the bedrooms and a bathroom, on the side of the property adjacent to No.31 unworkable. However, the applicant's position in this regard is not accepted. Even with the inclusion of a cat-slide roof (as has been demonstrated in the case of application ref. 13/0655) it is possible to provide two double en-suite bedrooms that are of generous sizes when compared to modern standards. The site is capable of accommodating and already has planning permission for a substantial dwelling. It would also be possible to add additional habitable accommodation in the roofspace and the applicant has indicated that he wishes to keep the roofspace to eventually add a guest room, gym and cinema room.

Whilst the impact of application ref. 13/00655 on the adjoining properties was considered to be acceptable, it is considered that, taking into account the unique site characteristics in this case, the proposed revisions to the scheme including the alterations to the roof and associated increase in the height of the flank wall, will result in the overdevelopment of the site that will be detrimental to the amenities of the occupiers of No. 31 in terms of loss of prospect and outlook.

It is considered that the alteration to the roofline, and associated increase in the height of the flank wall will also substantially increase the bulk of the dwelling when viewed from the road, although it is acknowledged that there are wide variety of types and designs of properties in Edward Road.

The applicant has previously drawn attention to a number of nearby developments that he indicates "served as an inspiration" to come up with the design for the scheme. These sites included the following:

Land adj to Wyndways 45 Garden Road (ref. 12/02788) - this is a spacious plot and the levels of separation achieved are not considered to be comparable to the application proposal.

Holy Trinity Convent School, 81 Plaistow Lane (ref. 12/02443) - this application was for the comprehensive redevelopment of the former school site, and the configuration of the site and spatial standards are not considered to be comparable with the application site.

19 Edward Road - this is the site of a nursing home, and whilst it has a large single storey rear extension, the bulk of the single storey element is located in a central position on the site, and the relationship with the adjoining dwellings is materially different to that of the application site.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/00369, 06/02943, 08/03539, 11/03034, 13/00655 and 13/03135, excluding exempt information.

as amended by documents received on 31.10.2013

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

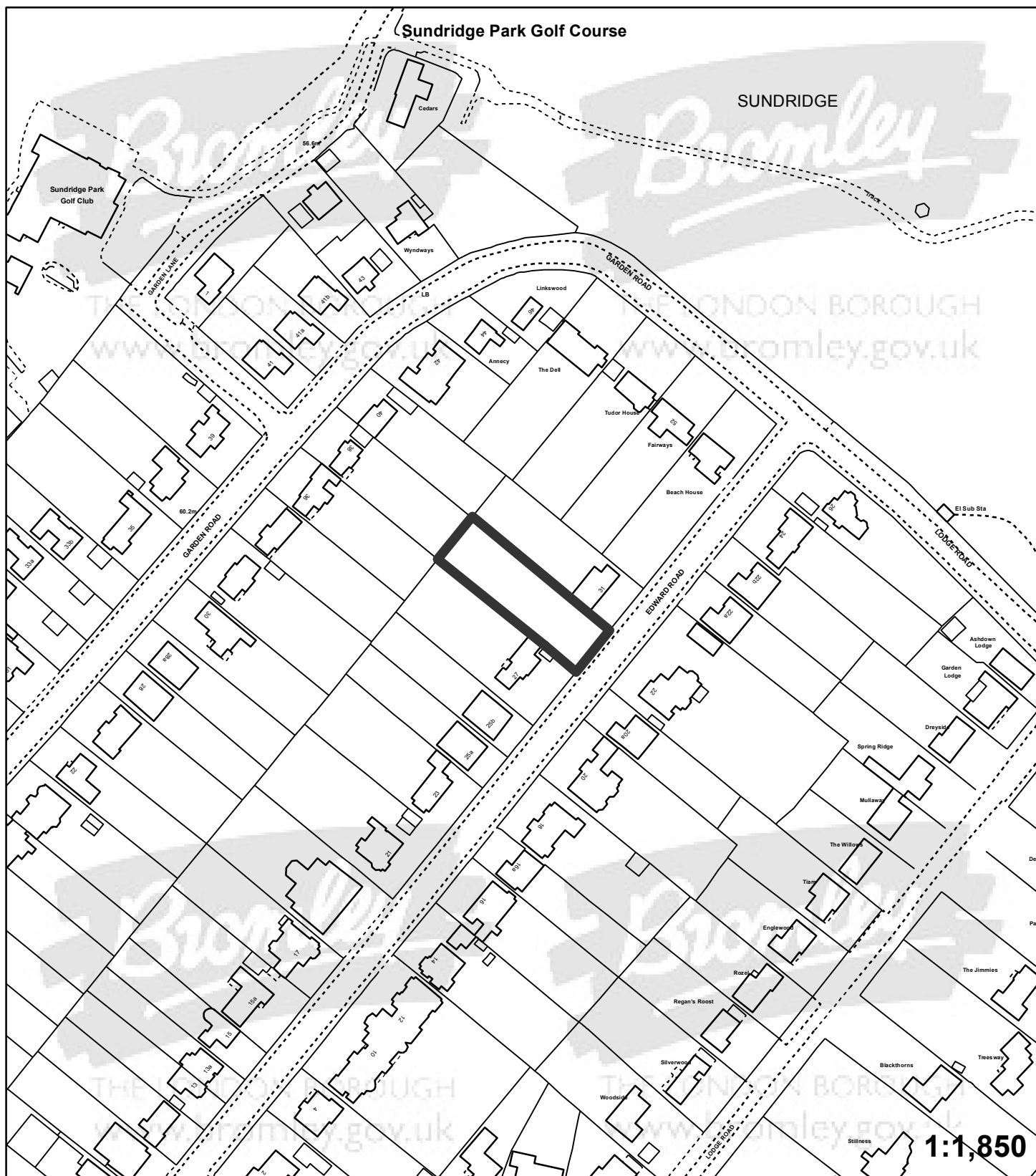
- 1 The proposal represents the overdevelopment of the site; the alteration to the roofline and associated increase in height of the flank wall adjacent to No.31 Edward Road (when compared to planning permission ref. 13/03655), will have an unacceptable impact on the amenities of No.31 Edward Road by reason of loss of outlook; thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.



**Application:**14/00042/FULL1

**Address:** Land Adjacent To 27 Edward Road Bromley

**Proposal:** Detached two storey six bedroom house with accommodation in roofspace, integral garage and associated vehicular access and car parking



"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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