

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

**Application No :** 13/03395/FULL6

**Ward:**  
**Shortlands**

**Address :** 90 Malmains Way Beckenham BR3 6SF

**OS Grid Ref:** E: 538837 N: 167746

**Applicant :** Dr Sivalingam Sivathasan

**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 almost flush with the main front wall and set back approx. 2.15m

The scheme incorporates a staggered first floor flank building line as follows:

- 2.15m side space [to boundary with No.88] maintained for the first part of the extension [4.27m (d)]
- 2.9m side space maintained for larger middle section [5.45m] (d)
- 1.1m side space maintained for the first floor rear element [4.33m] (d).

The flank to flank separation at the narrower middle section of the extension between the application property and No.88 would be approx. 5m

Two obscure glazed windows are shown in the first floor side elevation which would serve the landing area and a wardrobe and en-suite facilities.

To the rear the first floor extension will project 4.05m in depth and 4.75m in width, retaining 1.1m to the boundary with No.88. The design will feature a pitched roof. No windows are shown in the flank elevations of this part of the extension.

Subsequent to the initial planning application being validated, additional information was submitted in the form of a daylight / sunlight report. The report authors main accreditations include Fellow of the Royal Institute of Chartered Surveyors and Masters degree in building surveying.

## **Location**

The property is located at the south-eastern end of Malmaison 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 - proposed development should be consistent with Unitary Development Plan Policies and should satisfy the reasons for which previous applications were dismissed by the Planning Inspectorate. . The daylight report acknowledges that the proposal fails to meet the relevant standards and this should be taken into account when the application is being determined.
- No.88 - Current plans will make a difference in terms of the amount of light coming into the kitchen due to bulk of building proposed
- There is no technical sunlight/ daylight report submitted to support applicants agents contention regarding impact on light
- Our house was purchased in 1978 when the ground floor extension had already been built
- The blind in the kitchen is not lowered most of the time
- Original design had regard to the effect it would have on natural light to the kitchen hence the catslide roof.
- The proposed extension still significantly encroaches on natural light reaching the kitchen

- The kitchen is the hub of the house and also a working environment where natural light is necessary
- Application does not fully address the issues raised in the appeal decision
- The application should consider a dormer window on the other side
- No.92 - the rear extension is an intrusion and creates a visual barrier, the increased frontage dominates neighbouring buildings
- The report does not address the overwhelming effect on the view from the kitchen
- No contact was made from the report authors in order to gain access to our house so as ascertain specific use of neighbouring spaces
- Light coming into our kitchen window is shown as marginal and falls out side of recommended threshold, in these circumstances we assume our kitchen will not have the proper amount of light coming into it
- There is a lot of speculation and guesswork contained within the report
- A mock-up of the proposed development should have been included in the report

### **Planning Considerations**

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

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.

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. 13/00771.

The Inspector concluded that without a detailed daylight / sunlight report it would not be possible to properly assess the impact of the proposed extension on kitchen window of No.88.

It was also noted that the long catslide roof was an unusual feature that was out of character with properties nearby and further afield with the Park Langley ASRC and that the additional gable would create a more harmonious appearance.

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 difference between with the current application as compared to the previous application under planning ref. 13/00771 is the staggered first floor building line. This increases the flank to flank separation between the application property and No.88 in the middle section of the extension. The front and rear sections in terms of distance to the boundary remain the same.

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

- The design seeks to enhance the street elevation by adding a gable which provides symmetry and balance to front the elevation
- The 'kitchen' at No.88 cannot be considered a kitchen diner as it is too small
- Submitted drawing show angles of light which exist which could be used to make a proper judgement of the impact on kitchen at No.88.

Under planning ref. 13/03290, a further application is currently being considered. This proposal is also for a first floor side/ rear extension and is a variation of the current application proposing a side space of 2.15m and flank to flank separation to No. 88 of 4.25m.

The daylight & sunlight assessment was carried out specifically in relation to plan No. 2K13/02/2/3 which accompanied application 13/03290. This proposal is for a very similar albeit slightly larger scale of development than currently being considered. Having regard for guidance contained within Site layout Planning for daylight & sunlight, (BRE 2011) and BS8206-2 Code of practice for skylighting (2008). Detailed survey results are contained within the report. In broad terms the report assessed 3 aspects of light: sunlight, daylight and amenity space.

Daylight - (Vertical sky component) the ratio of direct skylight falling on a vertical reference point. In this instance the most affected reference point being the flank kitchen window at No.88. The result indicated that subject window at No.88 fell just outside the recommended guidance, however given how close it was to this figure it was considered acceptable. Daylight distribution, relates to amount of visible skyline after a development at a given point (0.85m high) within a room. It outlines the percentage of a room that will not receive direct sunlight. In relation to No. 88 it states the kitchen (R2) falls short

Sunlight- (Annual Probable Sunlight Hours) the amount of sunshine hours a window should receive (25%) The subject window fell short of the recommended winter sunlight hours

Amenity space - The amenity space surpassed the recommended amount of sunlight hours.

The executive summary of the report concludes that the majority of the rooms comfortably fulfil the guidance requirements and the "proposals accord with the intent and context of planning guidance..."

## **Planning History**

03/01919/FULL1 Single storey side/rear extension and single storey rear extension for conservatory (amendment to scheme permitted under ref. 02/01238, alteration to roof design) PER 03.07.2003

10/02118/FULL First floor side extension REF 07.03.2011

11/03032/FULL First floor side and rear extension REF 21.03.2012

13/00771/FULL First floor side and rear extension REF 06.06.2013

13/03290/FULL First floor front/side and rear extension PDE

## **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 particularly loss of sunlight and daylight to No.88.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Having had regard to the above it was considered that the scheme is an improvement on that submitted under ref. 13/00771. The most recent appeal decision (August 2013) favoured the general design of the scheme and called for the issue of loss of sunlight/ daylight to No.88 to be considered in greater detail. The daylight & sunlight survey does point out failure to meet thresholds within the kitchen in some instances. However, the overall conclusions of the report on this point is that the proposals accords with the guidance, on this basis and wider than average flank to flank separation between Nos. 88 and 90 the scheme is considered to be acceptable.

It is noted that the impact in terms of daylight and sunlight is one of the material considerations to be taken into account in conjunction with all others. It is open to the sub-committee to determine the application on its individual merits.

Background papers referred to during production of this report comprise all correspondence on the files refs. 13/03395,13/03290, 13/00771, 11/03032 and 10/02118, set out in the Planning History section above, excluding exempt information.

as amended by documents received on 11.03.2014

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1     ACA01       Commencement of development within 3 yrs  
      ACA01R     A01 Reason 3 years
- 2     ACC01       Satisfactory materials (ext'nl surfaces)  
      ACC01R     Reason C01
- 3     ACK01       Compliance with submitted plan

**Reason:** In the interests of the visual amenities of the area and the residential amenities of the neighbouring properties, in line with Policies BE1 of the Unitary Development Plan.

- 4     ACI17       No additional windows (2 inserts)   north-western   first floor  
      side and rear  
      ACI17R     I17 reason (1 insert)   BE1

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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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