

SECTION '2' – Applications meriting special consideration

Application No : 13/04191/FULL6

Ward:
Cray Valley West

Address : 42 Clarendon Way Chislehurst BR7 6RF

OS Grid Ref: E: 546016 N: 168603

Applicant : Mr I Sukevicius

Objections : YES

Description of Development:

Single storey rear extension and elevational alterations
PART RETROSPECTIVE

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

An Appeal has been lodged against the non-determination of the two current applications at this address. The reports were heard by Plans-Sub Committee 3 on 6th March 2014 and deferred to await the outcome of the current enforcement appeal. The enforcement appeals are still pending decision with the Planning Inspectorate. The reports are repeated below with a recommendation to contest the Appeal against non-determination:

This planning application seeks permission for a single storey extension that is set in from the boundary with No.40 as follows:

- single storey rear extension with rearward projection of 4.2m and height of 3m
- the proposed extension continues level with the flank wall of the existing property (adjacent to No.40) for 1.5m, maintaining a side space to the boundary of 1m. The extension is then set in by a further 1.2m for the remaining 2.1m (approx.) of the extension
- side and rear elevational alterations including alterations to the first floor rear windows

The application is supported by a Design and Access Statement.

Members will note that application ref. 13/04193 for a similar single storey rear extension is also being considered on the Agenda. Application ref. 13/04193 seeks planning permission for a similar extension with a set in of approx. 1.2m from the existing flank elevation adjacent to No.44.

Location

Site relates to a two storey detached property located on south side of Clarendon Way. Detached properties of similar size but of varying design characterise the area.

Comments from Local Residents

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

- objections apply to both applications
- re-iterating concerns from the appeal against enforcement notice
- loss of outlook
- loss of light
- intrusion of privacy
- changes do not alleviate impact to adjacent neighbours
- misrepresentations made in the statement submitted with application
- clear that the applicants recognise extension not acceptable as it stands
- examples shown in the appendix not relevant
- discrepancies in the plans - kitchen door opens outwards, no extractor fans shown and no indication of A/c unit
- view of solid brick wall
- photographs have been attached
- unsatisfactory impact on neighbours
- does not improve the situation to both sides

Full copies of the letters received are available on the file. Any further representations will be reported verbally at the meeting

Comments from Consultees

None.

Planning Considerations

The main policies relevant to this case are Policies HS (Residential Extensions) and BE1 (Design of new development) of the Unitary Development Plan, which relate to the design of residential extensions and development in general.

Planning History

The planning history is summarised as follows:

- 12/03522- Part/one two storey rear extension and front porch. This application was refused and dismissed at appeal (although the front porch was allowed)
- 12/03518 - Front boundary wall, piers, railings and sliding gates (maximum height of 2m) was refused for the following reason:

"The proposal, by virtue of its height and design, would be incongruous and detrimental to the visual amenities of the streetscene and therefore contrary to Policy BE1 and BE7 of the Unitary Development Plan."

- 13/00155 - planning permission was refused and dismissed on appeal for the retrospective works at the site, including a single storey rear extension measuring 4.2m in depth, front entrance porch, and side and rear elevational alterations for the following reason:

"The single storey rear extension, by reason of its excessive rearward projection, has a seriously detrimental impact on the visual amenities to No.40 Clarendon Way and the prospect which the occupants of this dwelling might reasonably expect to be able to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan."

Most recently, planning permission was refused and enforcement action authorised under ref. 13/02625 at Plans-Sub Committee 3rd October 2013 for the part retrospective works at the site. The application sought a lower roof height to that previously refused under ref. 13/00155. The application was refused as follows:

"The single storey rear extension, by reason of its excessive rearward projection, has a seriously detrimental impact on the visual amenities to Nos. 40 and 44 Clarendon Way and the prospect which the occupants of these dwellings might reasonably expect to be able to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan."

The Applicant is currently appealing the enforcement notice which is under consideration by the Planning Inspector. At the time of writing the report, the Planning Inspector's site visit is being awaited. A further update will be provided at the meeting.

Conclusions

Members considered this application at Plans-Sub Committee on 6th March 2014. Concerns were raised by Members regarding the impact of the proposal on the adjoining residents, in particular No.44 as this application retains the extension close to the boundary with this property.

The previous conclusion to Members is repeated as follows:

The main issues relating to the application are the impact the rear extension has on the character of the area and the amenity of the neighbouring properties 40 and 44 Clarendon Way.

Members will be aware that there is a complex planning history at the site, which includes a single storey rear extension measuring 4.2m, being refused and dismissed at appeal (ref.13/00155). The recently refused application attempted to overcome the previous concerns raised by the Council and the Planning Inspector by reducing the overall height of the extension. The raised decking area that was also indicated on the previous plans had also been removed. The current application seeks to address the concerns raised by setting in part of the flank wall nearest to No.42 by 1.2m to reduce the impact on the neighbour at No.40. Members will need to consider whether these changes now warrant the granting of planning permission for amendments to the single storey extension constructed at the site.

The most recent application (ref. 13/02625) sought permission for amendments to the previously refused application (13/00155) which included a lower roof height, the removal of the decking and the obscure glazing of the end door panels. The planning history of the site has been summarised above and the previous refusal grounds and Planning Inspector's comments have been taken into account whilst assessing the current application. On this basis, the proposed changes in the current applications refs. 13/04191 and 13/04193) are considered adequate to address previous concerns.

From visiting the application site, the orientation of the dwellings to the south suggests that there is unlikely to be an undue loss of light resulting from the single storey rear extension on the adjoining properties. No.40 is located to the west of the application site and is sited some 8m forward of No.42. This results in an existing poor relationship to the rear with No.40 presented with the flank of No.42. No. 40 benefits from a large open garden and southerly aspect that provides views across the garden from the large kitchen window and patio area.

In terms of No.44 to the east, the property follows a similar building line to the application site (the property benefits from a single storey rear extension) and the relationship between the two is better than with the residents at No.40. However, the key issues raised by the Inspector in the most recent appeal decision were the outlook and visual impact that the extension has on Nos. 40 and 44 and Members should take the impact on the adjoining residents into consideration.

In terms of overlooking, there would appear to be minimal impact given the removal of the raised decking. The Applicant has also indicated that once the bi-folding doors are fully open, the view would be restricted through the glass. It has also been stated by the Agent that the final panel of glass be obscure glazed should concerns remain.

To summarise, although the single storey rear extension would remain at the same depth of 4.2m as previously refused, given the proposed alteration to set in the extension from the boundary with No.40 and the existing relationship to the rear of No.44 it is considered that the impact upon the visual amenities of this neighbour is reduced to an acceptable degree. On balance, it is recommended that permission be granted.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

Although the original Officer's report recommended that Members grant planning permission for this application, following the discussion at Plans-Sub Committee and the deferral of the application, it is recognised that Members continue to have concerns about the impact of the proposal on the amenities of the occupiers of the adjoining property and that the suggested revisions have not alleviated these concerns. In view of this the following grounds of appeal are suggested should Members decide to contest the appeal.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL

Grounds for contesting the Appeal are as follows:

- 1 The proposed single storey rear extension, by reason of its excessive rearward projection, would have a detrimental impact on the visual amenities to No.44 Clarendon Way and the prospect which the occupants of this dwelling might reasonably expect to be able to continue to enjoy, 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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