

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

Application No : 14/03469/PLUD

Ward:
Petts Wood And Knoll

Address : 27 West Way Petts Wood Orpington
BR5 1LN

OS Grid Ref: E: 544700 N: 167659

Applicant : Mr Cristian McDermott

Objections : YES

Description of Development:

Single storey side extension
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

Key designations:

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

Proposal

A Certificate of Lawfulness is sought in respect of a single storey side extension.

The proposal comprises of a single storey side extension which will be built beyond the eastern flank elevation of the host dwelling. It will extend 2.8m sideward and 7.53m in depth and incorporate a garage and kitchen extension. The design will include a fake pitch at the front which will rise to a height of 3.0m, whilst the eaves will be 2.2m in height. The remainder of the roof will be flat, 2.3m in height.

Location

The site is situated along on the northern side of West Way. It is occupied by a semi-detached two storey dwelling. The area is characterised by similar semi-detached houses set within relatively spacious plots. The area is characterised by generous side space between buildings and the area falls within the Petts Wood Area of Special Residential Character.

Comments from Local Residents

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

- given the Inspectorate's unequivocal verdict of the effect of side extensions on this side of West Way on the ASRC it would seem appropriate for that the Council use an Article 4 Directive to remove permitted side extension rights
- to grant a Lawful Development Certificate would set a dangerous precedent
- application dwelling already has permission to extend at the rear and in the roof
- dimensions on the plans are unclear
- proposed garage would be too narrow to accommodate a car
- a similar proposal for a single storey side extension was refused a Lawful Development Certificate at Hawthorne Road, Bickley under ref. 14/02812
- proposal should be considered consistently as the above refused proposal
- site is not in A1 use class as indicated on the application form
- it is odd that a proposal previously refused by the Council and dismissed at appeal can be considered under another application process, and it is anomalous that this application can even be considered
- proposal will undermine local character and lead to other similar applications
- key concern relating to the impact on the spacing between the dwellings has not been addressed
- there are no other properties along the road with such an extension
- out of character
- character of Petts Wood Area of Special Residential Character will be undermined
- contrary to local planning policies
- in law Residue de Carta applies meaning that once a matter has been decided upon by a Judicial Authority it cannot be decided upon by a different route

It should be noted that comments relating specifically to the planning merits of the application cannot be considered and this is made clear in the notification letters.

Comments from Consultees

Not applicable

Planning Considerations

This application is a legal determination and requires the Council to consider whether the proposal falls within the parameters of permitted development under Class A of Schedule 2, Part 1 of the General Permitted Development Order 1995 (as amended).

Planning History

Planning permission was refused under ref. 11/03348 for a part one/two storey side and rear extension. The refusal grounds related to inadequate side space provision and its adviser impact on the Petts Wood Area of Special Residential Character, contrary to Policies BE1 and H10 of the Unitary Development Plan. The proposal was subsequently dismissed on appeal.

Planning permission was refused under ref. 12/02038 for a part one/two storey front/side and rear extension. The refusal grounds stated that the proposal would erode the space between the buildings and would result in a detrimental impact on the character, rhythm and spatial standards of the streetscene and this part of the Petts Wood Area of Special Residential Character. This application was also subsequently dismissed on appeal, with the Inspector raising similar concerns.

Planning permission was refused under ref. 13/02272 for a single storey front/side and rear and first floor rear extension, roof alterations to incorporate rear dormer extension. This was refused on similar grounds as the 2012 application. However, the application was subsequently part allowed and part dismissed at appeal. The Inspector rejected the ground floor side section of the proposal. The proposal was allowed so far as it related to the single storey rear and first floor rear extension and roof alterations to incorporate rear dormer extension.

Most recently, under ref. 14/00698 a proposed single storey side extension was refused by the Council on the basis that the proposal, by reason of its design and siting, would erode the space between the buildings and would result in a detrimental impact on the character, rhythm and spatial standards of the streetscene and this part of the Petts Wood Area of Special Residential Character. The proposal was subsequently dismissed at appeal.

Conclusions

Class A permits the enlargement, improvement or other alteration of a dwellinghouse. In this instance, the proposed single storey side extension would fall within the scope of Class A and is considered to be permitted development for the following reasons:

- The extension will not exceed 50% of the total curtilage of the original house
- The height of extension will not exceed the height of the highest part of the dwellinghouse and the height of the eaves would not exceed those of the original house
- The proposal would not extend beyond a wall that fronts a highway AND forms the principal or side elevation of the original house
- The extension is within 2m of a boundary and the eaves height will not exceed 3.0m
- The extension would not exceed 4m in height, would not have more than one storey, and will not have a width greater than half the width of the original dwellinghouse
- The proposal does not consist of or include a veranda, balcony or raised platform
- The proposal does not consist of or include the installation, alteration or replacement of a microwave antenna
- The proposal does not consist of or include an alteration to any part of the roof of the dwellinghouse.
- The materials proposed for the exterior will be similar in appearance to those used in the construction of the original house.

- The proposal does not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe

Whilst the planning merits of the proposal have previously been considered and deemed to have been unacceptable, given that the applicant has submitted this proposal as a Lawful Development Certificate, the Council is obliged to consider this scheme solely on the basis of its legal merits, in terms of its compliance with the terms of the GPDO. On this basis, the proposal is considered to constitute permitted development.

Background papers referred to during production of this report comprise all correspondence on the files refs. 11/03348, 12/02038, 13/02272, 14/00698 and 14/03469 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: CERTIFICATE BE GRANTED

- 1 The proposed development is permitted by virtue of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Application: 14/03469/PLUD

Address: 27 West Way Petts Wood Orpington BR5 1LN

Proposal: Single storey side extension
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT



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

© Crown copyright and database rights 2013. Ordnance Survey 100017661.