

SECTION '2' – Applications meriting special consideration

Application No : 15/00546/FULL6

Ward:
Shortlands

Address : 90 Malmains Way Beckenham BR3 6SF

OS Grid Ref: E: 538837 N: 167746

Applicant : Dr Sivalingam Sivathanan

Objections : YES

Description of Development:

First floor front/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
Smoke Control SCA 21
Smoke Control SCA 9

Proposal

The application property is a detached dwelling, designed with a front gable feature and a pitched 'catslide' roof orientated away from the north-western site boundary.

The application proposes a first floor front/side/rear extension. The existing front gable feature would be replicated at the opposite side of the house and this gable would have a width of 3.3 metres. The flank wall of this gable would extend rearwards for 4.2 metres, step in by 0.45 metres for a depth of 5.5 metres and step out again, such that the rear most part of the extension would be set closer to the boundary than the main flank wall. This part of the extension would measure 4.8 metres in width by 4.1 metres in depth, with a one metre side space to the boundary, and a hipped roof with a maximum height of 6.2 metres.

Location

The property is located at the south-eastern end of Malmains 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 treelined 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 representations were received, summarised as follows:

- The proposed plan is very similar to the previously refused plans.
- The extension remains bulky and extends beyond the rear at two storey level.
- The proposal would result in loss of light to No. 88 and detract from their living conditions.
- The proposed extension would add nothing to the aesthetics of the area.
- The daylight/sunlight report shows a reduction below the recommended level.

Comments from Consultees

None relevant.

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 application property has been subject to a number of previous planning applications, as detailed in the section below, as well as a number of appeals, all of which have been dismissed. The most recent refusal (ref. 14/04076) differed from the currently proposed scheme in that the current proposal now includes a central element on the flank which is stepped in from the main flank wall. A light

assessment has now also been submitted with the application, which had not been submitted as part of the previous application.

The previous reason for refusal stated:

"The proposed extension would result in an unacceptable reduction in the light received by the adjacent kitchen window at the neighbouring property, No. 88 Malmaison Way. In addition, the extension would appear as an overbearing and visually intrusive feature, which would result in a loss of outlook from this window. The proposal is therefore contrary to Policy BE1 of the Council's Unitary Development Plan."

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 reasons for refusal of the previous planning permission.

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). Conditional permission. |
| 10/02118/FULL | First floor side extension. Application refused. Appeal dismissed. |
| 11/03032/FULL | First floor side and rear extension. Application refused. Appeal dismissed. |
| 13/00771/FULL | First floor side and rear extension. Application refused. Appeal dismissed. |
| 13/03290/FULL | First floor front/side and rear extension. Application refused. Appeal dismissed. |
| 13/03290/FULL | First floor front/side and rear extension. Application refused. Appeal dismissed. |
| 13/03395/FULL | First floor side and rear extension. Application refused. Appeal dismissed. |
| 14/04076/FULL | First floor side and rear extension. Application refused on the grounds that: |

"The proposed extension would result in an unacceptable reduction in the light received by the adjacent kitchen window at the neighbouring property, No. 88 Malmaison Way. In addition, the extension would appear as an overbearing and visually intrusive feature, which would result in a loss of outlook from this window. The proposal is therefore contrary to Policy BE1 of the Council's Unitary Development Plan."

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 the loss of light to the neighbouring property at No.88, and the impact on the outlook from the kitchen window of this property.

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.

The current proposal differs from the previously refused scheme in that the central element of the flank wall has now been stepped in by 0.45 metres. A daylight and sunlight assessment has also been submitted. With regard to the impact of the proposal on the level of daylight received by the kitchen window of No. 88 Malmaims Way, the Building Research Establishment's (BRE) publication "Site Layout Planning for Daylight and Sunlight" (2011) states that if the Vertical Skylight Component (VSC) for a window is reduced by more than 0.8 of the original value as a result of a proposal, then a significant loss of light will occur. The submitted daylight and sunlight assessment shows that the proposal would result in the VSC of the window being reduced to 0.75 of its former value, which exceeds the level of light reduction deemed acceptable within the BRE guidance. The submitted report acknowledges that this is an effect which "will be discernible to the human eye" but argues that the site is located within an urban location where a VSC of 27%, which is the standard set out within the BRE guidance, is unlikely to be achieved and therefore a lower VSC can be deemed acceptable in urban locations. However, this line of argument is disputed as it is considered that the site is located within a suburban area, not an urban area, where a VSC of approximately 27% is achievable and should be promoted as the acceptable standard. As a result of the proposal, the VSC of the kitchen window of No. 88 Malmaims Way would be reduced to 21.71%, which is a significant reduction and therefore the proposal would result in an unacceptable reduction in the level of light received by this window, which would be detrimental to the amenities of the property at No. 88 Malmaims Way.

With regard to sunlight, the submitted report states that the resultant levels to the kitchen window at No. 88 would be 68% annual probable sunlight hours, with 6% being winter probable sunlight hours. However no information has been provided regarding the existing annual probable sunlight hours and winter probable sunlight hours for this window, and therefore it is not possible to calculate the level of reduction which would result from the proposal. However, as part of a previous planning application on the site, reference DC/13/03395/FULL6, which was for a materially similar proposal, a sunlight and daylight report was submitted which showed the existing winter probable sunlight hours for this window to be 14%. This report also indicated a reduction in winter probable sunlight hours to 6%. In dismissing the appeal for this previous application (ref: APP/G5180/D/14/2218900), the Inspector commented that: "the figure for the winter months is only marginally

above the minimum that is recommended and would be 0.43 of its current value. I consider that this change would be obvious to the occupants of this adjoining property, especially when combined with the predicted loss of daylight. To my mind this would compound the detrimental effects to the kitchen as a whole." Taking into account the comments of the Inspector in dismissing this previous appeal, and considering that the level of winter probable sunlight hours falls close to the minimum recommended, it is considered that the proposal would result in an unacceptable loss of sunlight to the window at No. 88 Malmaims Way which, combined with the loss of daylight, would be detrimental to the amenities of this neighbouring property.

Furthermore, in determining the most recent appeal, the Inspector raised additional concern regarding the overbearing effect of the proposal on the outlook from the kitchen window, stating that in the absence of any information in relation to the effects on outlook, she was not able to conclude that the development would not be harmful to the amenity of the neighbours. As part of the current application, a Waldram diagram has been submitted to demonstrate the amount of unobscured sky that can be seen from a vertical plane. The submitted report acknowledges that analysis of outlook is subjective, but states that there will remain a view of more than half of the available sky. However the flank wall of the proposed extension would be in close proximity to the common boundary with No. 88 Malmaims Way and, given the height of the extension and the length of the flank wall, extending along the entire length of the adjacent dwelling at No. 88 Malmaims Way and beyond the rear, it is considered that the proposed extension would appear overbearing and would adversely affect the outlook from the adjacent kitchen window at No. 88 Malmaims Way

Given the above, the proposed extension would adversely impact on the amenities of the neighbouring property at No. 88 Malmaims Way.

Background papers referred to during production of this report comprise all correspondence on the files refs. 14/04076, 13/03395, 13/03290, 13/00771, 11/03032 and 10/02118, set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed extension would result in an unacceptable reduction in the light received by the adjacent kitchen window at the neighbouring property, No. 88 Malmaims Way. In addition, the extension would appear as an overbearing and visually intrusive feature, which would result in a loss of outlook from this window. The proposal is therefore contrary to Policy BE1 of the Council's 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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