

SECTION '2' – Applications meriting special consideration

Application No : 14/04528/PLUD

Ward:
Bromley Town

Address : 17 Cameron Road Bromley BR2 9AY

OS Grid Ref: E: 540180 N: 167977

Applicant : Mrs B Hammond

Objections : YES

Description of Development:

Single storey side extension
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

Key designations:

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

Proposal

The application was deferred from Plans Sub-Committee No. 3 on 19th February 2015, without prejudice, to allow the applicant to submit existing and proposed plans to show the land at the front of the property.

At the time of writing this report, no such plans have been submitted. However, the applicant submitted the following supporting statement (dated 19/02/15):

I can confirm that the application is for a single storey side extension at ground floor level.

The works will provide a store for the family's bicycles etc, and not for a car as clearly the store is not large enough for a car.

In addition it is confirmed that there is no intention at this point in time to alter the topography of the frontage to provide vehicular access but merely maintain the current pedestrian access.

A copy of a land registry title showing the extent of the land included within the freehold of 17 Cameron Road.

Further comments have also been received from the owners/occupiers of 15 Cameron Road and have been included in the summary below

On 10th March 2015, the applicant submitted an appeal against non-determination. Members are therefore requested to consider the previous report, which is repeated below, and determine whether or not there are grounds to contest the appeal.

On 15th April 2015, the above GPDO was replaced by the GPDO 2015, however, as the application was received on 24th November 2014 the 1995 regulations (as amended) should be applied.

Location

The application site consists of a two storey detached dwellinghouse. The site is not within a designated Conservation Area, however, it is covered by a blanket Tree Protection Order (TPO).

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received from the owners/occupiers of No.15 which can be summarised as follows:

- effect on silver birch tree in neighbouring garden
- plans are inaccurate and misleading
- position of tree misrepresented
- insufficient clarity to enable the LPA to understand "exactly what is involved in the proposal"
- diagrams provided ignore the current lay of the land
- will require levelling and a pathway in front of the proposed store room to gain access
- such work would not be permitted development as it would extend beyond the current wall which fronts a highway
- nowhere is this work mentioned
- wall will have to be demolished
- works will affect grass area, driveway and stability of neighbouring land
- propose to build on land over which there is a dispute over ownership
- central heating vent will discharge onto neighbouring property
- position of tree is not shown accurately on plan - only 30 cm's away from boundary
- in breach of policy NE7
- application does not contain any statement referring to neighbouring owners interest in land under article 21(2)(c)
- no reference to any works which will be required to area in front of extension.

Planning Considerations

The application requires the Council to consider whether the extension would be classified as permitted development under Class A, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) and whether any permitted development rights are restricted.

Members will appreciate that Lawful Development Certificates are a legal determination based upon factual information. It is therefore not possible to take into account comments or other considerations related to the normal planning merits of the case.

Planning History

Under application ref.13/03893, an application for a part one/two storey side/rear extension and single storey front extension and elevational alterations was refused. The reason for refusal was:

The proposed extension is likely to adversely affect the long term future of the birch tree at the adjacent property, No. 15 Cameron Road, which contributes to the character and appearance of the area and which would be contrary to Policy NE7 of the Unitary Development Plan.

More recently, a planning application was submitted but subsequently withdrawn for a Part one/two storey side/rear extension and single storey front extension and elevational alterations (ref.14/02323).

Conclusions

Class A. The enlargement, improvement or other alteration of a dwellinghouse

The following criteria apply to this proposal:

- a) As a result of the works, the total area of ground covered by buildings (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- b) the height of the part of the dwellinghouse enlarged would not exceed the height of the highest part of the roof of the existing dwellinghouse;
- c) the height of the eaves of the part of dwellinghouse enlarged would not exceed the height of the eaves of the existing dwellinghouse;
- d) the enlarged part of the dwellinghouse would not extend beyond a wall which -
 - (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- e) the enlarged part of the dwellinghouse would have a single storey and would not extend beyond the rear wall of the original dwellinghouse, nor would it exceed 4 metres in height;

- f) the enlarged part of the dwellinghouse would have a single storey;
- g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of the eaves of the enlarged part would not exceed 3 metres;
- h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would not:
 - (i) exceed 4 metres in height,
 - (ii) have more than one storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse;;
- i) the development proposed does not consist of or include any of the following:
 - a veranda, balcony or raised platform;
 - a microwave antenna;
 - a chimney, flue or soil and vent pipe;
 - an alteration to any part of the roof of the dwellinghouse.

The dwellinghouse is not on article 1(5) land.

Furthermore, the application site appears to benefit from full permitted development rights for a dwellinghouse.

The proposed extension would fall within permitted development under Class A, subject to the following condition being met:

- a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Background papers referred to during production of this report comprise all correspondence on the files refs.14/04528, 14/02323 and 13/03893, set out in the Planning History section above, excluding exempt information.

Therefore Members are requested to resolve not to contest the appeal.

RECOMMENDATION: RESOLVE NOT TO CONTEST APPEAL

- 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).