

Application No : 15/01604/VAR

Ward:
Petts Wood And Knoll

Address : 9 Irene Road Orpington BR6 0HA

OS Grid Ref: E: 545916 N: 166608

Applicant :

Objections : YES

Description of Development:

Variation of Condition 8 of Planning permission ref. 14/03673 (Demolition of existing dwelling and erection of 1 five bedroom and 1 four bedroom dwelling) to create provision of one rear dormer in roof slope of the two houses

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 4

Proposal

This application seeks the provision of one dormer to the rear roof slope of each of the two detached houses permitted under ref. 14/04673. Construction of the dwellings is currently in progress.

The application is accompanied by a Planning Statement and an Access and Design Statement.

Location

The application site is located to the western edge of Irene Road and is situated between the junctions of Sequoia Gardens to the south and Novar Close to the north. Sequoia Gardens also bounds the site to the rear, with Nos.10-16 adjoining the rear of the site at a much lower ground level.

Comments from Local Residents

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

- loss of privacy as a result of overlooking which the original application sought to avoid
- additional intrusion to surrounding houses
- development that has occurred at the site so far has adversely affected neighbouring residents

Comments from Consultees

Not applicable

Planning Considerations

Planning Considerations

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

BE1 Design of New Development
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
NE7 Development and Trees
T3 Parking
T18 Road Safety

Supplementary Planning Guidance 1 and 2

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

3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments

The Mayor's Supplementary Planning Guidance: Housing (SPG)

The National Planning Policy Framework, with which the above policies are considered to be in accordance

Planning History

The following applications are considered most relevant

13/01070

Refused permission for the erection of 2 five bedroom dwellings on the following grounds:

1. "The proposed dwelling on Plot 2, by reason of its overall depth and excessive projection beyond the rear of No. 11 Irene Road, would result in an unacceptable impact upon the amenities, prospect and daylight received by the residents of that property contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework."

2. "The proposed dwelling on Plot 1, by reason of its overall depth and excessive projection beyond the rear of No.7 Irene Road, would result in an unacceptable

impact upon the amenities and prospect of the residents of that property contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework."

3. "The proposal, by reason of its siting and design, would result in an overbearing visual impact on Nos. 12, 14 and 16 Sequoia Gardens and would result in a loss of privacy to the occupants of these properties, contrary to Policies BE1 and H7 of the Unitary Development Plan."

4. "The proposal, by reason of its excessive bulk and scale, would constitute an over-dominant and cramped form of development harmful to existing spatial standards and out of character with the area, contrary to Policies BE1 and H7 of the Unitary Development Plan."

13/03591

Refused permission for a revised development of 2 five bedroom houses on the following grounds:

1. "The proposed dwelling on Plot 2, by reason of its overall depth and excessive projection beyond the rear of No. 11 Irene Road, would result in an unacceptable impact upon the amenities, prospect and daylight received by the residents of that property contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework."

2. "The proposed dwelling on Plot 1, by reason of its overall depth and excessive projection beyond the rear of No.7 Irene Road, would result in an unacceptable impact upon the amenities and prospect of the residents of that property contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework."

3. "The proposal, by reason of its siting and design, would result in an overbearing visual impact on Nos. 12, 14 and 16 Sequoia Gardens and would result in a loss of privacy to the occupants of these properties, contrary to Policies BE1 and H7 of the Unitary Development Plan."

4. "The proposal, by reason of its excessive bulk and scale, would constitute an over-dominant and cramped form of development harmful to existing spatial standards and out of character with the area, contrary to Policies BE1 and H7 of the Unitary Development Plan."

Application ref. 13/03591 was subsequently dismissed at appeal; however Members attention is drawn to the comments made by the Inspector in reaching this conclusion which can be summarised as follows:

- The proposed house on plot 1 would be sufficient distance from the adjoining house at no.7 to ensure no loss of outlook or light to that property (Para 7)
- The large drop in levels, and the notable distance of some 30m between the proposed houses and the Sequoia Gardens houses, means there would be no harmful effect upon the privacy or outlook to existing occupants. (Para 8)

Following the above Appeal Decision planning permission was granted under ref. 14/03673 for the demolition of the existing dwelling and erection 1 five bedroom and 1 four bedroom dwellings, it being considered that the concerns raised by the Planning Inspector in relation to the impact on the amenities of No 11 having been adequately addressed.

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.

Since planning permission has previously been agreed for the two houses (and indeed work has commenced in respect of the properties) the sole consideration of this proposal relates to the impact of the proposed two dormers.

The application dwelling is situated along the western side of Irene Road in what is an entirely residential area made up of single family residences. The dwelling at Plot 1 will maintain a minimum separation of approximately 26.5m to the rear boundary, whilst the separation at Plot 2 will be approximately 31.0m. There is a significant drop in land levels at the rear of the site to the neighbouring plots beyond. Other neighbouring houses are located to the south of the site: Nos. 2 and 4 Sequoia Gardens being set at right-angles to the new houses, whilst No 11 Irene Road is situated to the north of the site.

Taking account of the above characteristics, it is considered that the relationship between the proposed dormers and the neighbouring properties - in particular their separation and relative orientation - is such that this will not result in a significant level of overlooking in comparison to the houses in their permitted form. Furthermore, in the case of the Appeal Decision concerning application ref. 13/03591 the Planning Inspector noted the large drop in levels, and considered that the notable distance of some 30m between the proposed houses and the Sequoia Gardens houses, means there would be no harmful effect upon the privacy or outlook to existing occupants.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.}

2 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

3 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

4 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

To ensure a satisfactory means of drainage and to accord with the Unitary Development Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

In order to comply with Policy BE1 of the Unitary Development Plan and to prevent an overdevelopment of the site in the interest of the visual and residential amenities of the area.

- 6 Before the development hereby permitted is first occupied, the proposed windows along the northern and southern elevations of both dwellings shall be obscure glazed to minimum of Privacy Level 3 and shall be non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above floor level of the room in which the window is installed; and these windows shall be permanently retained as such thereafter.**

Reason: In order to comply with Policy of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 7 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.