

SECTION '2' – Applications meriting special consideration

Application No : 15/01953/FULL1

Ward:
Bickley

Address : 104 Nightingale Lane Bromley BR1 2SE

OS Grid Ref: E: 541235 N: 169121

Applicant : Mr Faisal Younus

Objections : YES

Description of Development:

Retention of detached two storey 4 bedroom house with revision to dwelling to remove upper section of roof and reduce ridge height by 1.1metre

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Open Space Deficiency
Smoke Control SCA 12
Smoke Control SCA 13

Proposal

Retrospective permission is sought in respect of the retention of the existing dwelling which is larger than the development which was granted planning permission at the site. The unauthorised building measures a maximum 15.4m in width and 10.9m in depth and rises to a height of 9.7m (as measured from the damp proof course). This application proposes a 1.1m reduction in the ridge height (and associated alterations to the roof formation to form a partial barn-hip at the front) in order to achieve a height parity with a previously-permitted scheme at the site, and has been submitted in response to a March 2015 Enforcement Notice which requires the removal of the unauthorised building in its entirety.

The application is accompanied by a Design and Access Statement.

Location

The application site formerly accommodated a detached bungalow which was demolished in 2014. The site is situated along the northern side of Nightingale Lane, approximately 30 metres to the east of its junctions, with Wanstead Road, Rochester Avenue and Bishops Avenue. The surrounding area is almost entirely residential in character, with the exception of The Widmore Centre and Bickley Primary School which are situated some 130 metres further east along Nightingale Lane.

The site of number 104 Nightingale Lane appears once to have formed part of the rear garden of number 21 Wanstead Lane. In consequence, the length of garden remaining to that property is now somewhat curtailed.

Consultations

Comments from Local Residents

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

- o building with its higher roof dominates the road and adjacent buildings and is out of character with its surroundings
- o applicant has submitted numerous applications and appeals over a protracted period, with nearly all rejected
- o attempt by applicant to circumvent planning legislation
- o overbearing and unsightly development
- o garage has not been agreed
- o clear windows directly overlooking neighbouring properties and which should have been obscured
- o several openings cut out so that additional windows can be installed
- o intention to use building as 3-storey dwelling, perhaps with multiple-dwellings with additional access
- o building should be reduced in height now
- o development will lead to a precedent of similar buildings of similar height if this is retained
- o surrounding area is severely overcrowded with development
- o this application is delaying tactic to avoid enforcement action
- o applicant will get away with building what he wants

Comments from Consultees

No technical Highways objections have been raised, subject to conditions.

Planning Considerations

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

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

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

London Plan (March 2015)
Policy 3.3 Increasing Housing Supply;

Policy 3.4 Optimising Housing Potential;
Policy 3.5 Quality and design of housing developments;
Policy 3.8 Housing choice;
Policy 5.1 Climate change mitigation;
Policy 5.2 Minimising carbon dioxide emissions;
Policy 5.3 Sustainable design and construction;
Policy 5.7 Renewable energy;
Policy 5.9 Overheating and cooling;
Policy 5.10 Urban greening;
Policy 5.11 Green roofs and development site environs;
Policy 5.12 Flood risk management;
Policy 5.13 Sustainable drainage;
Policy 5.14 Water quality and wastewater Infrastructure;
Policy 5.15 Water use and supplies;
Policy 5.16 Waste net self-sufficiency;
Policy 5.17 Waste capacity;
Policy 5.18 Construction, excavation and demolition waste;
Policy 5.21 Contaminated land;
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure;
Policy 6.9 Cycling;
Policy 6.13 Parking;
Policy 7.2 An inclusive environment;
Policy 7.3 Designing out crime;
Policy 7.4 Local character;
Policy 7.8 Heritage Assets and Archaeology;
Policy 7.6 Architecture;
Policy 8.2 Planning obligations;
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

National Planning Policy Framework 2012

Planning History

Various planning applications for proposed extensions to the existing dwellinghouse at No 104 Nightingale Lane have been submitted to the Council in the last ten years.

Under ref. 05/02399 planning permission was refused in respect of the erection of a terrace of 4 two bedroom houses, on the basis that the proposal constituted an overdevelopment of the site lacking adequate amenity space; would result in overlooking; and provide insufficient off-street parking.

Under ref. 09/02283 an application for the addition of a first floor to the existing bungalow to create a two storey dwelling was refused by the Council, on the basis that the proposed first floor extension would be detrimental to the prospect and

amenities enjoyed by the occupants of adjoining properties by reason of loss of light, prospect and privacy. A subsequent appeal was dismissed, the Planning Inspector concluding that:

"...although the proposal would not have an unacceptably adverse effect on the living conditions of number 21 Wanstead Road or on the outlook from or sunlight received by the residents of number 19 Wanstead Road, it would have an unacceptable effect on the privacy of the residents of number 19 Wanstead Road when using their swimming pool."

Under ref. 09/03548 planning permission was granted for a revised scheme in respect of a first floor extension to the existing bungalow to create a two storey dwelling. The height of the building would be increased by approximately 2.5m to a maximum height of approximately 6.9m. This planning permission was subsequently extended under ref. 13/00327 in March 2013. A number of conditions were imposed, including compliance with the submitted plans; restricted permitted development rights; and obscure glazing of rooflights.

Under ref. 11/00697, in May 2011, planning permission was granted for the demolition of the existing bungalow and for the erection of a detached two storey 5 bedroom dwelling with 2 car parking spaces, with an overall height of 8.6m.

Under ref. 11/00697/AMD, in May 2012, the Council refused to grant a non-material amendment in respect of a proposal to raise the eaves and roof height of the proposed dwelling by 0.61m. The Council reasoned that the proposed amendment comprises an increase in the height and bulk of the dwelling, which would materially change the appearance of the building, and could not, therefore, be considered as a non-material amendment, therefore notification of nearby properties would be necessary and a full application should be submitted.

Under ref. 13/00185 the Council granted further planning permission for the enlargement of the existing bungalow with the creation of a first floor to form a two-storey dwelling with a maximum height of 9.0m. Conditions were imposed to include development to be carried out in complete accordance with the plan approved, and to restrict permitted development rights.

Under ref. 13/03691 an application for the demolition of the existing bungalow and the erection of two-storey detached house incorporating accommodation in the roofspace, was withdrawn by the applicant before it was determined by the Council.

On 18 March 2015 an Enforcement Notice was issued in relation to unauthorised works comprising the unauthorised erection of a detached two storey, 5-bedroom dwelling, the overall height of which exceeds that permitted by planning permission reference DC/11/00697, by approximately 1.1m. The Council issued the Notice, dated 18th March 2015, for the following reasons:

"It appears to the Council that the above breach of planning control has occurred within the last four years."

"Planning permission was granted for a detached two storey, 5 bedroom dwelling with 2 parking spaces on 4th May 2011 under reference DC/11/00697/FULL1. This permission incorporated the approved drawing DPP/SD/09/56/10, which is attached to this Notice. That drawing, when scaled, shows the original height of the dwelling to be 8.6 metres.

"The height of the building measured from the damp proof course to the apex of the roof measures 9.70 metres, exceeding the height shown on the approved drawings by 1.10 metres. The resulting building does not therefore have the benefit of planning permission. The dwelling which has been built, as described above, by reason of its overall height and bulk is unduly prominent and harmful to the character and appearance of the area, contrary to Policies BE1 and H7 of the Unitary Development Plan."

The Enforcement Notice is subject to a current appeal, with an appeal hearing expected to take place in November 2015 which will be overseen by a Planning Inspector. Based on that schedule, a decision will be expected to be made around late 2015/early 2016.

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.

As noted above, the building which has been constructed does not benefit from planning permission. Whilst the Council permitted a replacement dwelling under ref. 11/00697 in May 2011, the dimensions of that scheme vary: whereas the building which has been constructed measures a maximum 15.4m in width and 10.9m in depth, the building approved in 2011 scales at 14.5 in width and 11.2m in depth. The height disparity as noted is: 9.7m as constructed, as opposed to 8.6m as originally approved. Accordingly, the building - as constructed - exceeds the parameters of the approved dwelling by a clear margin. The most obvious difference between the approved and constructed building is the height disparity which is clearly evident from a streetscene perspective.

Another key difference between the two schemes concerns the installation of rooflights to the front, side and rear roof slopes: whereas the building which has been constructed incorporates a total of 11 roof lights, the 2011 permitted scheme incorporated just a single rooflight within the rear roof slope. The rooflights in the current proposal appear excessive to serve what is labelled on the plans as 'attic storage'. Furthermore, the building constructed includes an integral garage to its eastern side, in contrast to the 2011 scheme.

The unauthorised building rises to a height of 9.7m (as measured from the damp proof course). In comparison, the nearest dwelling at No 102 measures 8.6m in height. Whilst this height disparity amounts to a difference of some 1.1m, the unauthorised building incorporates a substantially greater massing, particularly given its gable-end roofs which measure 3.9m in height above eaves level, and whose prominence is accentuated by their flank brick walls and lack of relief. In

contrast, No 102 maintains a hipped roof design which reduces the overall roof massing and results in a less prominent form of development. Given such differences, it is considered that the height and massing disparity between Nos. 102 and 104 is stark and that such juxtaposition serves to harm established consistency within the streetscene, and is harmful to local character.

This proposal would reinstate the roof height to a level consistent with the 2011 scheme and achieve parity with the neighbouring house at No 102 and the wider streetscene. Whilst the reduction in ridge level will reduce the overall size of the dwelling, the resulting appearance of the building will be unsatisfactory in design terms, partly due to the resulting 'odd' appearance of the building with a truncated roof, and in particular when viewed in the context of the adjoining properties which it will continue to dominate given that the 'lopping' of the roof will not substantially alter the overall raised bulk and height of the building when viewed in the context of adjoining properties, in particular no 102.

Consequently, from a streetscene perspective it is considered that the reduced structure would not appear appreciably less conspicuous, and that this would conflict with local planning policy which requires new development to complement the scale, form and layout of adjacent buildings. In terms of the other differences between the building as approved and as constructed, there are also an excessive number of velux windows which also detract from the overall appearance of the dwelling.

Having regard to neighbouring amenity, concerns are raised in respect of the additional rooflights to the side and rear of the building and the potential for overlooking which had been reduced by the omission of first floor windows in the relevant elevation. It is considered that the provision of obscure glazing and fixed shut units within the remaining velux windows to the rear will reduce potential overlooking, however the potential for a perception of overlooking from the sheer number of windows proposed will still exist and Members may wish to give this careful consideration.

On balance, given the excessive bulk and massing of the building that will remain evident despite the removal of the top of the roof, it is considered that it will remain unacceptable from a visual impact and design perspective, with particular regard to the relationship with the adjoining property, and consequently refusal is recommended.

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.

as amended by documents received on 31.07.2015

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

The proposed dwelling by reason of its size and design, truncated roof and excessive velux windows would constitute a visually discordant, overly bulky and dominant feature in the streetscene, out of character and consequently harmful to the visual amenities and appearance of the area, contrary to Policies BE1 and H7 of the Unitary Development Plan