

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

Application No : 15/02785/FULL6

Ward:
Clock House

Address : 6 Yew Tree Road Beckenham BR3 4HT

OS Grid Ref: E: 536626 N: 169002

Applicant : Mr David Stubberfield

Objections : YES

Description of Development:

Single storey rear extension

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 15

Proposal

The application seeks consent for the construction of a single-storey rear extension and elevational alterations. There is an existing extension that measures 5.8m in depth and 2.7m in width. The proposal would extend the width of this existing extension by 1m in order to span the full width of the host dwelling. The proposal would incorporate a flat roof which would have a height of 2.8m to the eaves.

An existing roof terrace, which currently sits above the existing extension would be removed under the current proposal and would now include a Juliet balcony at first floor level.

Location

The application relates to a two-storey plus loft mid-terrace dwelling, which is located on the north side of Yew Tree Road. The property benefits from a loft conversion with rear dormer. A single-storey extension is located to the rear with an existing roof terrace above. Yew Tree Road, together with neighbouring roads to the rear are characterised by cottage style properties, which have small rear gardens that back immediately on to one another. All benefit from single-storey rear additions that have been altered over time modestly over time but in essence are original features.

The property is not located within a conservation area.

Consultations

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

- o Having a door at first floor above the flat roof would allow the space to be used as a terrace. This would result in unacceptable overlooking onto neighbouring properties.
- o The applicant already has a history of using the existing flat roof as a terrace without permission and causing an inconvenience to neighbours.
- o Ambiguity on the plans regarding the door at first floor level.
- o The proposed 3.3m high and 5.8m long wall immediately adjacent to the boundary would be visually intrusive, oppressive and overbearing that would affect the enjoyment of the neighbouring small garden.
- o The extension is out of character with neighbouring examples which have left a side space.
- o Proposal would set a precedent for similar development
- o Loss of outdoor space
- o Damage to trees/hedges planted immediately adjacent to the site.
- o False information with regard to trees on the application form.

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions

SPG 1 - General Design Principles
SPG 2 - Residential Design Guidance

Planning History

15/01153/FULL6 Single storey rear extension with roof terrace above
REFUSED 12.06.2015

Refused for the following reasons:

- 1) The proposed extension, by reason of its overall height, depth and proximity to the boundary of No 7 Yew Tree Road would result in a visually intrusive , dominant and overbearing form of development, harmful to the visual amenities of No 7 Yew Tree Road by way of an increased sense of enclosure contrary to Policy BE1 of the Unitary Development Plan and SPG 2 Residential Design Guidance
- 2) The proposed roof terrace would result in significant overlooking and a loss of privacy for neighbouring properties contrary to Saved Policy BE1 of the Unitary Development Plan and SPG 2 Residential Design Guidance.

- 3) The proposed terrace, by reason of its height and balustrade would result in an incongruous and dominant feature within terrace harmful to the appearance of the application property and wider terrace contrary to Saved policies BE1 and H8 of the Adopted Unitary Development Plan and SPG 2 Residential Design Guidance.

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. Consideration should also be given to the previous reasons for refusal.

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.

Design

Policies H8, BE1 and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

The proposal would be located to the rear of the property and would not be visible from the public realm but would be visible from neighbouring properties. The scheme would result in the enlargement of an existing extension to incorporate the full width of the host dwelling. The neighbouring properties within the adjoining terrace, and terrace to the rear, all have small amenity areas with some form of rear extension. The application property appears to have historically extended the rear addition, leaving a shallow corridor for amenity space to the side and rear. A small area of amenity space would be retained to the rear of the extension. Whilst this arrangement is not ideal, the space to the side of extension is currently restricted and unusable. The additional habitable accommodations would therefore represent an improvement for the current owners. It is evident that neighbouring properties have made alterations to their existing extensions with alterations to their height and width. Given the above, officers consider that on balance this alteration would not result in significant harm to the appearance of property or area in general.

The application has been amended since the previous refusal with the removal of an existing outdoor terrace and associated balustrade which currently sits above the existing extension. Officers have searched the planning history of the site and cannot find any permission or Certificate relating to this terrace. However, on inspection it does appear to have been in place for a considerable period time. At the time of the site visit it was evident that another property to the rear also used the flat roof above their extension as amenity space, however this appears to be an

informal arrangement as it did not include a balustrade. Outdoor roof terraces are not therefore characteristic of the wider area and whilst officers acknowledge that the existing terrace may have been in place for a considerable period of time, no formal permission or Certificate of Lawfulness appears to be in place for it. The removal of the terrace at first floor level would therefore represent a visual improvement for the wider area. Alterations would be made to the rear elevation with the inclusion a Juliet balcony and associate balustrade; however the door at first floor level already exists but would no longer extend over the extension. Officers therefore consider that on balance the Juliet balcony would be an acceptable alteration that would not result in significant harm to the appearance of the terrace and has overcome the previous reasons for refusal.

Given the above, members may consider that on balance the proposed extension would be an acceptable alteration that would not result in significant harm to the appearance of the host dwelling or terrace and has overcome the previous reasons for refusal.

Neighbouring amenity

Policy BE1 seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The proposed extension would be enlarged to expand to the full width of the host dwelling. It would have a depth of 5.8m that would now abut the common boundary with No 7 Yew Tree Road. No 7 does have a single storey addition, however this appears to be an original feature that has not been altered. A narrow side return sits immediately adjacent to the common boundary with No 6. The proposal would now abut this common boundary for a depth of 5.8m with a height of 2.8m. The application has been amended since the previous refusal with the removal of the balustrade at first floor level. This has reduced the overall height from 3.8m to 2.8m. The existing extension is also only set back from the common boundary by 1m, there is already therefore a visual impact on the neighbouring side return at No 7. The reduction in the height and removal of the terrace has lessened the bulk of the proposal to an acceptable a degree. It is worth noting that a 3m deep extension which measures 3m in height could potentially be erected under permitted development within this location. The additional width would therefore unlikely result in a significantly greater visual incursion than the existing structure and the overall reduction in height and removal of the balustrade would improve the situation in terms of overlooking. It is however considered reasonable and necessary to impose a condition preventing the roof space being used as a roof terrace or outdoor amenity area. On balance officers consider that the impact on neighbouring amenity would now be acceptable and the revised scheme has overcome the previous reasons for refusal.

Given the above, members may consider that on balance the proposed extension would be an acceptable alteration that would not result in significant harm to neighbouring amenity and has overcome the previous reasons for refusal.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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 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 visual and residential amenities of the area.

- 4 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby permitted shall be as set out within the application and shall not be used as a balcony, roof garden or similar outdoor amenity area.**

REASON: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy BE1 Design of New Development in the adopted Unitary Development Plan (2006).