

SECTION '2' – Applications meriting special consideration

Application No : 15/02660/FULL6

Ward:
Plaistow And Sundridge

Address : 99 Portland Road Bromley BR1 5AY

OS Grid Ref: E: 541283 N: 171467

Applicant : Mr Sean McLennon

Objections : YES

Description of Development:

Single storey front/side and rear extension, pation and alteration to driveway and steps (amendment to p/p ref; 12/00863) to alter the design of side and rear extension.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 7

Proposal

Planning permission is sought for a single storey front/side extension, patio and alteration to driveway and steps (amendment to p/p ref; 12/00863) to alter the design of side and rear extension.

The application site has a long history of planning applications with the last few applications being refused planning permission.

Subsequent to the previous planning permission (12/00863) being granted, the rear extension and the side extension have been constructed differently to that granted permission. The rear extension has been built to a greater depth as well as a greater height by the raising and squaring off of the parapets. The side extension has been built with the rear section having being squared off and no longer having a pitched roof.

The current application seeks to amend the scheme so that:

- o the rear part of the side extension is no longer squared off as built or with a pitched roof as originally permitted rather it is flat roofed from the rear building line backwards; and
- o the height of the rear is 3.5m and 2.6m (closest to the boundary with No.97). The height as built measures 3.6m & 3.1m and it is proposed to lower this to 2.6m (closest to the boundary with No.97). The depth of the rear extension

would remain as constructed (3.9m) but reduced to 3m (closest to the boundary with No.97).

Location

The application site is a semi-detached property located on the northern side of Portland Road, Bromley. The surrounding area is predominately residential. The rear gardens of No.99 & the adjoining neighbours at No.97 slopes markedly upwards towards the railway embankment.

Consultations

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

- o The roof was altered to a flat roof and the height of the extension was increased without planning permission. This was considered to be excessive resulting in a significant loss of outlook, giving a feeling of dominance and enclosure. It also blocked sunlight from reaching the back of our property, in particular the ground floor back rooms, patio and flower beds.
- o The warmth of the house is affected.
- o There is a scar on the brick work where the wall was extended from its original approved construction. It is plainly visible from our side.
- o It is poorly executed and is unsightly. We feel this is affecting our right to the reasonable enjoyment of our property.
- o The work has been on-going since September 2012 with its attendant noise, dirt and disruption. It has already been the subject of two retrospective application 13/2217 & 14/00530 which Bromley Council has refused. There are also two applications pending considerations; 14/02352 & this most recent one. It is, as well, subject to an enforcement order dated 4th April 2014, which was appealed against.
- o In the decision notice The Planning Inspector dismissed the appeal and the enforcement notice was upheld. Four months were given for compliance which has now passed with no sign of any corrective work being undertaken.
- o We are now aware that yet another planning application has been made which seems to be related to the earlier application of June 2014, 14/02352/FULL6, which is still under consideration. We cannot see that this satisfactorily addresses any of the problems associated with the extended flat wall and flat roof.

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions

The following Council adopted SPG guidance is also a consideration:

Supplementary Planning Guidance 1 General Design Guidance
Supplementary Planning Guidance 2 Residential Design Principles

The above policies are considered consistent with the objectives and principles of the NPPF.

Planning History

April 2015: Appeal dismissed and the enforcement notice upheld with a variation.

April 2014: Planning permission (ref. 14/00530/FULL6) refused for single storey front/side and rear extension, patio and alterations to driveway and steps (amendment to planning permission ref: 12/00863 to alter design of side and rear extension) PART RETROSPECTIVE. Reason for refusal:

"The rear extension due to its combined height, depth and proximity to the flank boundary results in an unduly harmful loss of outlook and sense of dominance and enclosure detrimental to the residential amenities enjoyed by the occupiers of the adjoining property (97 Portland Road) contrary to policies BE1 and H8 of the Unitary Development Plan".

November 2013: Planning application (ref: 13/02217/FULL6) refused for retrospective single storey front/side and rear extension, patio and alterations to driveway and steps (amendment to planning permission ref: 12/00863 to alter design of side and rear extension). Reason for refusal:

The rear extension due to its combined height, depth and proximity to the flank boundary results in an unduly harmful loss of outlook and sense of dominance and enclosure detrimental to the residential amenities enjoyed by the occupiers of the adjoining property (97 Portland Road) contrary to policies BE1 and H8 of the Unitary Development Plan.

February 2012: Certificate of lawfulness for proposed development (ref: 11/03411/PLUD) granted for roof alterations including hip to gable and rear dormer extension.

May 2012: Planning permission (ref: 12/00863/FULL6) granted for single storey front/side and rear extension and alterations to driveway and steps.

Also of relevance is an application granted planning permission at No.95 Portland Rd under ref:- 12/02772 for a single storey side and rear extension.

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.

The scheme currently before the Council seeks to make amendments to two previous planning applications 12/00863 & 14/02352. Planning application ref:- 12/00863 was granted planning permission on 14.05.2012. This scheme wrapped around the front/side and rear of the property and extended along the side boundary which ran along a shared access road. The extension proposed a rear depth of 3m to the rear of the property. Planning application ref:- 14/02352 was withdrawn on 30.09.2015 and therefore little weight can be attached to its significance in the determination of this current application.

The applicant completed the building works but not in accordance with the permitted plans. Two retrospective applications were made to the Council during 2013 & 2014 under application ref(s):- 13/02217 & 14/00530. An enforcement notice was also issued in 2014 which was appealed against and the enforcement notice was upheld in April 2015 and 4 months was given to comply with the notice.

The applicant submitted this application in August 2015 which now seeks to amend the built rear extension (closest to the boundary with No.97) by reducing the height (including parapet wall) from 3.6 & 3.1m (as built) to 3.5 & 2.6m and the depth from 3.9m (as built) to 3m (closest to the boundary with No.97). The rear extension will effectively be stepped for a width of 3.2m. The roof design has also been altered from being sloped to flat with a light lantern measuring 1m in height.

There is no doubt the development as built has an impact to No.97 through its height and depth and the bulky nature that its existence has. The neighbours at No.97 have written in and objected and have highlighted all the problems they have suffered since September 2012 and the enjoyment lost to their property through noise, dirt and disruption and having been left with a blank flank wall which gives them a feeling of dominance and enclosure.

Whilst the changes now proposed by the applicant, in part, now more closely represent the drawings permitted in 2012 the drawings are different and the rear extension is now stepped and opposed to square. The roof lantern (measuring 1m in height) is also a change from the 2012 scheme. Members will need to consider if the scheme currently proposed is likely to be built to the proposed plans specification and whether the development more closely recognises the application granted in 2012 under ref:- 12/00863. Consideration must also be given to the impact of the development (as currently built) to No.97 and whether the proposed scheme still has a significant impact to the neighbours through its proposed height, depth, bulkiness and loss of light to their ground floor dining room.

In this case, it is clear that there will be an impact on nearby properties as a result of this proposal and a judgement needs to be made about whether the impact is unduly harmful. Members will need to consider whether the proposal sufficiently addresses the previous decisions and comments received locally. On balance, it is considered that the proposal is acceptable.

Bearing in mind the issues in this case, the history and the concerns raised locally this application is presented on list 2 of the agenda.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 Works at the site shall commence within 3 months of the date of planning permission being granted.**

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.

- 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.