

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/03184/FULL1

**Ward:**  
**Penge And Cator**

**Address :** 30 St John's Road Penge London SE20  
7ED

**OS Grid Ref:** E: 535425 N: 170623

**Applicant :** Mr Ewan Dickie

**Objections :** YES

### **Description of Development:**

Construction of a ground floor rear extension together with provision of associated cycle and refuse storage

Key designations:

Biggin Hill Safeguarding Birds Aldersmead Road  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Smoke Control SCA 50

### **Proposal**

Planning permission is sought for the construction of a ground floor extension and the provision of associated cycle and refuse storage.

This application was deferred from a previous Plan-Sub committee meeting on 8th October 2015 for the roof extensions to be removed from the description of the application description and the conversion to flats. The application now solely relates to a single storey rear extension. Neighbours have been advised of a revision to the description of the application coupled with revised plans.

A design and access statement accompanies the application.

Location

The application site is a two storey mid-terrace Victorian dwelling located on the east side of St. John's Road, Penge.

### **Consultations**

Nearby owner/occupiers were consulted regarding the application and comments can be summarised as follows:-

- o Privacy will be loss due to the amount of glass that will face our garden and bathroom window.
- o The rear infill extension will make for uncomfortable living conditions with my lounge being in the back room of the original building and my kitchen/diner situated in the extended area with the bay window. My lounge is already quite dark.
- o If a 2.3m high extension is built with a wall running 6m down and 2m away from my kitchen window I may as well board up my windows.
- o My light would be compromised and I would have to look at a brick wall
- o Noise and disturbance

### **Consultee comments**

Highways -

The development is located within the area of medium rate of 4. One car parking space would be offered. I am of the opinion that the development would have a similar parking demand as the existing, therefore I raise no objection to the proposal.

Environmental Health (Pollution) -

I have considered the above and I have no objections in principle however I would recommend that the following informatives are attached:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

### **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

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

## Planning History

Under planning application reference: 15/01866 planning permission was refused for conversion to 1 x two bedroom and 1 x three bedroom flats incorporating single storey rear extension and roof extension, roof top terrace, cycle and bin store. The application was refused on 15th July 2015 for the following reasons:

*"The proposed ground floor extension, by reason of its excessive rearward projection, is considered to be harmful to the amenities of the neighbouring dwellings by virtue of being an overbearing form of development which would contribute to the overshadowing of the neighbouring amenity space and loss of light and outlook to habitable rooms contrary to Policies BE1 and H8 of the Unitary Development Plan and the National Planning Policy Framework.*

*The proposed roof extension and terrace is considered to be out of character with the area and harmful to the amenities of the neighbouring dwellings by virtue of being an excessive, dominant and overbearing form of development which would contribute to the overshadowing of the neighbouring amenity space, the introduction of noise and disturbance and the loss of privacy contrary to Policies BE1 and H8 of the Unitary Development Plan, the Council's adopted Supplementary Planning Guidance 1: General Design Principles and Supplementary Planning Guidance 2: Residential Design Guidance, Policy 7.6 of the London Plan and the National Planning Policy Framework".*

Under planning application reference: 15/01868 a Certificate of lawfulness was granted for single storey rear extensions and roof extensions.

Under reference: 15/01832 a 42 Day Notification for Householder Permitted Development Prior Approval was refused 15th June 2015 for a single storey rear extension with a depth of 4m and 6m on the grounds that:

*"The proposed extension is considered to be harmful to the amenities of the neighbouring dwellings by virtue of being an overbearing form of development which would contribute to the overshadowing of the neighbouring amenity space and loss of light and outlook to habitable rooms contrary to Policies BE1 and H8 of the Unitary Development Plan."*

## 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 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.

### Previous planning applications

As set out on p9 of the Design & Access statement the depth and eaves height of the ground floor extension have been reduced in order to try to overcome the grounds of refusal associated with the previous application (Ref: 15/01866).

A Certificate of lawfulness was issued by the Council on 23rd July 2015 under application reference: 15/01868 for a roof extension and two single storey rear extensions which allows for an infill extension from both rear walls of the property.

### Current scheme

The current application seeks to obtain planning permission for one larger rear extension (which is over that allowed under permitted development tolerances).

### Design and the impact upon neighbouring amenities and the character of the area

The NPPF emphasises good design as both a key aspect of sustainable development and being indivisible from good planning. Furthermore, paragraph 64 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy BE1 requires that new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

Policy H8 of the UDP requires that the design and layout of proposals for the alteration or enlargement of residential properties satisfies all of the following criteria:

- (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area;*
- (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area;*
- (iii) dormer windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area.*

London Plan Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context. New buildings

should reference the scale, mass and detail of the built form around them without necessarily replicating it, making a positive contribution to the landscape and relate well to the form, proportion, scale and character of streets and existing open space and other townscape and topographical features. Development should not have a negative impact upon neighbouring sensitive land uses.

As set out on p10 of the accompanying Design & Access Statement the agent has undertaken a massing strategy to arrive at the design of the rear extension. The massing strategy considered several options with the angled design being chosen because it has the least impact on the two neighbouring dwellings.

The proposed side infill extension will be off set from the original rear wall by 2m then an extension measuring 4.7m in depth x 2.3m in height. The extension will then wrap around the existing rear of the building and utilise the area granted under permitted development and extend a further 1.2m. The area, which is to provide the proposed kitchen/dining/living area, will be angled over the width of the property to ensure the rear depth is kept to a minimum (in this case 4.7m to the shared boundary with No.32). The roof will be pitched measuring 4.2m to ridge height with a rooflight sat on the roofslope facing No. 28.

It is noted that both adjacent properties remain unextended to the rear. It is also noted that the rear of the site is predominantly east facing with a very short rear garden. The changes made since the previously refused application have sought to try to overcome the first ground of refusal by off-setting the rear infill extension by 2m to minimise the tunnelling effect to the rear & flank bay window of the neighbour at No.32a.

#### Impact to neighbouring residents

The current proposals would result in a single storey rear extension lying close to the boundary with both adjacent properties and extending to 4.7m to the boundary with No.32a and 4.2m (only 1.2m if incorporating the permitted development allowance) to the boundary with No.28. A boundary wall is proposed to be erected with the boundary with No.28.

The neighbour at No.32a has written in objecting to the scheme on the basis that the infill extension will affect their light and make their living conditions uncomfortable given their rear and bay window face the proposed rear extension.

The agent has responded to the neighbours' concerns at No.32a by submitting Building Research Establishment (BRE) guidelines on daylight. The guidance states that the proposal complies with the studies submitted. The study highlights that a detailed study was carried out which showed that the proposal will not significantly affect the daylight levels in number 32a. The accompanying Design & Access statement also demonstrates how daylight and amenity will be maintained to neighbouring properties.

There is a fence that divides the side return so both neighbours currently look out onto a fence. This fence will be replaced with a building and the outlook will not substantially change.

On balance it could be considered that the permission obtained under permitted development legislation and the changes to the design of the current scheme have sought to try and mitigate the impact to both neighbours.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 15/03184 & 15/01866 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 Informative**

**Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site. If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully**

**assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.**