

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

**Application No :** 15/04294/FULL6

**Ward:**  
Kelsey And Eden Park

**Address :** 342 Upper Elmers End Road  
Beckenham BR3 3HF

**OS Grid Ref:** E: 537104 N: 167634

**Applicant :** Mr John Jackson

**Objections :** YES

**Description of Development:**

Single storey rear extension RETROSPECTIVE

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London Distributor Roads  
Smoke Control SCA 18  
Smoke Control SCA 51

**Proposal**

Retrospective planning permission is sought for the retention of the existing extension.

Under reference 14/02468 householder prior approval was granted for the erection of a single storey rear extension with a depth of 4m and a maximum height of 3.8m (2.5m to the eaves).

The extension has been erected without complete accordance with the Householder Prior approval plans. As a consequence, this retrospective application seeks to regularise the development.

**Location**

The application site lies on the southern side of Upper Elmers End Road and comprises an end-of-terrace dwelling. It is separated from the eastern neighbouring end-of-terrace dwelling by a rear accessway leading to garages at the end of gardens. It adjoins No. 340 Upper Elmers End Road which is a mid-terrace dwelling with an existing single storey rear extension.

The properties in the terrace benefit from generous rear gardens. The boundary between the application property and the neighbouring dwelling at No. 340 is in the

most part formed by a low brick wall, a section of which has been removed in the implementation of the extension the subject of this application.

## **Consultations**

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

- o The property has had previous retrospective applications
- o The investigation into the unauthorised development was delayed
- o The application does not make reference to the additional cubic feet and width
- o The application refers to a wooden fence when the original application referred to a brick wall and insufficient space has been retained to rebuild a brick boundary wall
- o There has been a boundary encroachment
- o The boundary belongs to No. 340, not No. 342.

A letter has been received from the occupier of the other neighbouring property at No. 344 raising no objections to the development.

## **Planning Considerations**

National Planning Policy Framework (NPPF)

"Section 7: Requiring good design" includes the statement that good design is a key aspect of sustainable development, and indivisible from good planning. Development should contribute positively to making places better for people.

Unitary Development Plan

In assessing the merits of the proposal, Policies BE1 (Design of New Development) and H8 (Residential Extensions) are of particular relevance to the determination of the application.

The London Plan

Policies 3.5: Quality and Design of Housing Developments and 7.4: Local Character are of particular relevance to the assessment of the proposals.

## Planning History

Under reference 14/02468 householder prior approval was granted for the erection of an extension of similar built form to that which has been constructed. However the application development was not built in complete accordance with the approved plans. The approved extension had a width of 5.95m and a depth of 4m. The extension which has been erected has a width of 6.15m and a depth of 4.07m.

The extension replaced a lean-to extension which lay immediately on the flank boundary of the property with No. 340. The approved plans under ref. 14/02468 did

not show any detail of the boundary treatment proposed between or up to the extensions at the neighbouring properties. Photographs taken by the case officer show that there was a brick all on the boundary up to the rear of the extension at No. 340 and the lean-to at No. 342, but it is unclear where the wall terminated.

Under reference 14/00790 planning permission was granted for roof alterations including a rear dormer extension.

## **Conclusions**

In assessing the merits of the proposal, it is necessary to consider whether the extension as erected has a significantly adverse impact on the amenities of the neighbouring residents such that would warrant the refusal of planning permission.

In the light of the development granted Householder Prior approval, in comparison with the extension as erected, it is not considered that the application development has a significantly greater impact on the amenities of the occupiers of the neighbouring dwelling. The extension is only very slightly closer to the boundary than that which was approved, and indeed many single storey extensions are routinely constructed up to and abutting the boundary. In the case of the development in question, a narrow gap is retained to the boundary.

The depth of the extension is broadly commensurate with that which was granted prior approval, and taking into account the existing rear building line at the neighbouring property, itself the subject of an extension, it is considered that the proposal does not result in a significant loss of outlook or visual impact to the neighbouring property. Similarly, the depth of the extension beyond the rear elevation of the neighbouring extension is approx. 1.28m and as such the extension does not result in a substantial impact on daylight or overshadowing. The extension is approx. 7cm deeper than that which was granted prior approval and it is considered that no greater impact on the amenities of the neighbouring property result than would have ensued if the prior approval development had been implemented in complete accordance with the approved plans.

It is noted that significant concerns have been expressed regarding the way in which the boundary between the dwellings will be marked at the point where the extensions lie alongside each other, and in relation to the existing flank boundary wall which is understood to be in the ownership of the neighbouring property. It has been advised that the ownership of the boundary is a private legal matter, and the removal of part of the wall between the properties in the erection of the extension is not a planning consideration where concerns expressed relate to the legality of the removal of or tampering with the boundary treatment. It has been observed on site and in the submitted plans that the extension does not encroach over the boundary, with the totality of the development lying within the application site.

It is understandable that neighbouring residents have sought reassurance regarding the way in which it is intended to treat the boundary between the properties. The applicant was asked for further clarification of the situation and it is considered on balance that the information provided shows a reasonable solution to the treatment of the boundary between the properties in planning terms, in that

the scale of the treatment and the materials used would be commonplace and would not have a material impact on the amenities of either the host dwelling or its immediate neighbour.

The submitted information shows the erection of a brick wall being erected alongside the flank elevation of the extension where it projects beyond the rear elevation of the neighbouring property. The drawing shows the provision of a timber fence for the remainder of the boundary, with a timber panel linking the fence to the rear corner of the extension.

On balance it is not considered that the difference between the development approved under the householder prior approval process and the extension which has been erected has an appreciably greater impact on the residential amenities of the neighbouring properties. While it is acknowledged that the extension has not been constructed in complete accordance with the approved plans, it is not considered that this renders the development unacceptable. The scale, appearance and siting of the extension is considered acceptable and to have no significant impact on visual and residential amenity.

**RECOMMENDATION: PERMISSION**