

SECTION '2' – Applications meriting special consideration

Application No : 16/00121/FULL6

Ward:
**Bromley Common And
Keston**

Address : Whitehouse 8 Oakfield Lane Keston
BR2 6BY

OS Grid Ref: E: 541481 N: 164828

Applicant : Mr Jenny Himsley

Objections : YES

Description of Development:

First floor rear extension and front rooflight

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 22

Proposal

Planning permission is sought for a first floor rear extension measuring 7.8m in width x 6.6m in depth x 5.4m height (to eaves) & 6.3m (ridge). The extension will be set in by 0.8m from the shared boundary with No.6.

To the front elevation a new velux window is proposed. The bulk of the proposed extension is to the rear at first floor level to create two additional bedrooms and an en-suite. New windows are proposed in the side and rear elevations. The en-suite window on the flank elevation closest to No.6 is proposed to be obscured glazed.

The application is a resubmission of two previously refused applications and one dismissed appeal. The current application is accompanied by a Daylight & Sunlight Assessment.

Following the previously refused application and dismissed appeal the agent has made the following changes to the scheme:-

- o Lowered the height of the first floor extension from 6.9m to 6.3m.
- o Changed the Juliet balconies to windows
- o Submitted a daylight & sun lighting report along with the application

The application property is located on the southern side of Oakfield Lane, Keston and is a two storey detached property.

Consultations

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

- o Third application made by the applicant, surprised to see a further application.
- o Having reviewed the plans the new proposals seem almost identical to the previous application. The proposed extension is still only set back 800mm from the edge of the existing ground floor extension and overall height reduced from 7m - 6.3m.
- o The LPA can choose to decline the application
- o Inaccurate Daylight report

Full and detailed copies of the objections letter can be found on the application file.

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
- BE13 Development adjacent to a Conservation Area
- H8 Residential Extensions
- H9 Side Space

Planning History

Under planning application reference: 15/00318 planning permission was refused for first floor rear extension and front rooflight. The reason for refusal read as follows:

1. *The proposed first floor rear extension by reason of its height and rearward projection would be over-dominant in relation to and seriously detrimental to the prospect and amenities of the occupiers of adjacent properties by reason of over-shadowing, loss of sunlight, prospect and visual impact, contrary to Policies BE1 and H8 of the Unitary Development Plan.*

The above mentioned application was dismissed at appeal on 7th October 2015. The Inspector considered that the proposal would be harmful to the living conditions of the occupants of the adjoining properties, contrary to criteria (iv) and (v) saved Policy BE1 of the London Borough of Bromley Unitary Development Plan.

Under planning application reference: 14/03663 planning permission was refused for first floor rear extension and front rooflight. The application was refused for the following reason:

1. *The proposed first floor rear extension by reason of its height and rearward projection would be over-dominant in relation to and seriously detrimental to the prospect and amenities of the occupiers of adjacent properties by reason of over-shadowing, loss of sunlight, prospect and visual impact, contrary to Policies BE1 and H8 of the Unitary Development Plan.*

Under planning application reference: 88/00165 planning permission was refused for a first floor rear extension. The reasons for refusal were as follows:

1. *The proposal with its considerable height and excessive rearward projection would be over-dominant in relation to and seriously detrimental to the prospect and amenities of the occupiers of the adjacent property by reason of over shadowing, loss of light and visual impact*
2. *The proposed balcony would be seriously detrimental to the amenities that the occupiers of the adjacent property might reasonably expect to be able to continue to enjoy by reason of overlooking and consequent loss of privacy.*

Under planning application reference: 85/02658 planning permission was refused for a single storey front extension.

Under planning application reference: 85/00660 planning was granted for a front porch.

Under planning application reference: 84/0007 planning permission was refused for a spiral staircase and railings for roof area at rear and removal of condition 99.

Under planning application reference: 83/00368 planning permission was granted for a single storey 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.

Previous application & dismissed appeal

In dismissing the appeal in 2015 the Inspector considered that the main issues were the effect of the proposed extension on the living conditions of the occupants of the adjacent properties in relation to overshadowing, loss of outlook and loss of privacy. In dismissing the appeal the Inspector stated there would be no harmful

loss of outlook or overlooking of No 6 from the proposed extension. However, in the absence of substantiated evidence to the contrary, the Inspector considered that there would be a significant risk of overshadowing and loss of daylight at the eastern end of the house and the patio. The Inspector also found that the Juliet balconies in the rear elevation would result in unacceptable overlooking of the rear of No.12.

The Inspector's decision letter is a material consideration in the determination of this application.

Design, mass, scale of the proposed development

Following the dismissal of the appeal the agent has revised the drawings by lowering the height of the first floor extension from 6.9m to 6.3m, removing the two rear Juliet balconies and substituting these for windows and submitting a daylight and sunlight report. The side space remains the same as the previously refused application at 0.8m.

Policy BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

The proposal remains to construct a first floor addition over the full depth and width of the flat roof extension. An existing rear facing gable would be removed and replaced by a larger and deeper crown roof. The ridge height of the new roof would be 1m below the main ridge. Two rear windows are to be added to the rear elevation.

The extension would still extend by 6.6m in depth and would add considerable bulk, scale and mass to the rear of No.8.

The area surrounding the site is predominantly detached properties set within the centre of the plots, although No.8 sits back from No.6 and therefore the addition of a first floor rear extension will be felt more prominently by the occupants of No.6.

Impact to neighbouring residents

The Inspector in considering the impact of the proposed development on the neighbours No.6 & No.12 contended that in regard to the impact to the neighbour at No.6 (paragraph 9 of the appeal decision) that "there would be no material loss of outlook from the main living room or the door serving the kitchen/break room. The extension would be seen in oblique views from the bedroom window above the

living room and introduce a sense of enclosure when looking towards the south-east. The principle outlook from this bedroom is large, mature and attractive garden, which would not change. I therefore do not consider that the proposal would appear visually intrusive or overbearing from inside the house".

At paragraph 10 the Inspector goes on to say the "additional depth, height and bulk of the extension would be apparent from the patio immediately to the rear of the house. This would be a significant change for the neighbour. However, given the overall width of the rear house and its patio and the outlook over the garden, I am not persuaded that it would introduce a significant sense of enclosure that would be materially harmful to her living conditions".

Whilst the Inspector considers there the proposed first floor extension would not appear visually intrusive or overbearing from inside the house of No.6 or create a sense of enclosure the Inspector does acknowledge at paragraph 8 that "No.8 is on higher ground than No.6 and the effect of this additional height would be accentuated". Whilst the height of the extension has been lowered by 0.6m it is the Council's view that the extension by reason of its bulk, height and mass still represents a significant development.

The Inspector also raised concerns about overshadowing to No.6. Paragraph 11 of the Inspector's decision letter states "the additional height and depth of the proposed extension is therefore likely to give rise to overshadowing of part of the patio at the rear of No.6 and affect the daylight/sunlight that could reach the door/window serving the kitchen/breakfast room". Paragraph 12 goes on to say "at the time of my site visit, which took place at about 10.30am on a very sunny day, these areas were overshadowed to some degree by the presence of the vegetation along the shared boundary. It would therefore seem highly probable that the extension in close proximity to the boundary would have a similar, if not more profound affect. The permanent loss of morning sunshine to this part of the house and garden would amount to material harm to the living conditions of the occupants".

The Council is still concerned that the orientations of the properties will block out daylight and sunlight with the sun rising from the east during the morning part of the day. Whilst the Inspector did not have the benefit of a daylight & sunlighting report she did state that the "permanent loss of morning sunshine to this part of the house and garden would amount to material harm to the living conditions of the occupants".

The agent has submitted a Daylight & Sun lighting Assessment prepared by Herrington Consulting Ltd. The light assessment shows little change in shadow effect on neighbouring properties. The document is long and contains lots of modelled calculations which are subject to assumptions. In section 4.2 of the assessment it states that if the VSC with the new development in place is less than 27% and less than 8 times its former value, then the reduction in light is likely to be noticeable. In section 5.2 figure 5.1 the angle is measured as 25%. Section 5.4 is entitled Calculation Assumptions which does question the accuracy of the findings. Paragraph 6.3 of the report summarises Table 6.1 which states that it can be seen that all of the windows either retain a VSC value greater than 27% post

development, or have ratio of change that is 0.8 or above and are therefore fully complaint. In line with the assessment criteria set out within the BRE guidelines it is possible to conclude the impact will be negligible. In summing up the dimensions in the Daylight & Sunlight report it would appear there will be some loss of daylight and sunlight to the neighbour at No.6 but not sufficient to warrant a ground of refusal.

The Inspector concerned that there would be an impact to No.12 on the basis of overlooking of both the house and garden. At paragraph 14 the Inspector states "the relationship between No.8 and 12 means there is already a degree of overlooking from No.8 into the garden of No.12. The proposed extension would reduce the distance between the two properties. The reduced separation, combined with the Juliet balconies would significantly increase the perception of overlooking of both the house and the garden". The current drawings before the Council show first floor windows in place of two Juliet balconies. Windows do offer a lesser sense of overlooking but the separation between the two properties remains the same.

Summary

Members will need to decide if this current application overcomes the Council's previous reasons for refusal and the Inspector's concerns regarding the impact on the living conditions of adjoining neighbours in relation to overshadowing, loss of outlook, overlooking and privacy given the changes to the submitted drawings (reduced height, Juliet balconies omitted for windows) and accompanying submission of daylighting and sun lighting report.

On balance, whilst there have been limited changes from the previously refused scheme having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a unsatisfactory loss of amenity to local residents.

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 provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In order to prevent an overdevelopment of the site, in the interest of the visual and residential amenities of the area, and in accordance with Policies BE1 and H7 of the Unitary Development Plan.