

SECTION '2' – Applications meriting special consideration

Application No : 16/01260/FULL6

Ward:
Bromley Common And
Keston

Address : 4 Hathaway Close Bromley BR2 8RD

OS Grid Ref: E: 542803 N: 166115

Applicant : Mr Chris Brown

Objections : YES

Description of Development:

Single storey side/rear extensions including rooflight to rear roof slope of existing garage, single storey front extension, front porch extension, and roof alterations to form habitable accommodation including rear dormer and front roof lights.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 22

Proposal

The application seeks planning permission for single storey side/rear extensions including rooflight to rear roof slope of existing garage, single storey front extension, front porch extension, and roof alterations to form habitable accommodation including rear dormer and front roof lights.

The single storey side/rear extension has two elements; one projecting from the rear of the main dwelling and the other from the rear of the existing garage attached to the flank wall of the neighbouring property at no. 3. The extension will extend 3.6m in depth from the main part of the dwelling for a width of approximately 6.05m to retain a separation to the western side boundary of 0.15m and 2.65m to the eastern side boundary shared with no. 3.

It will have a pitched roof sloping down to the rear from a maximum height of approximately 3.7m to an eaves height of approximately 2.5m, when scaled from the submitted drawing. The part of the extension which will extend out from the rear of the existing garage, will extend approximately 4.4m in depth, when scaled from the submitted drawings, to partially adjoin the deeper part of the extension from the main rear wall of the existing dwelling. A separation of 0.1m is shown to be retained from the flank wall of this part of the extension to the eastern side boundary. This single storey side/rear part of the extension will have a flat roof to a height of approximately 2.5m, when scaled from the submitted drawing. A roof light is also indicated to be inserted into the rear roof slope of existing garage.

The single front extension will project 0.9m forward of the existing garage along the boundary with no.3 for a width of 2.9m. It will have a sloping roof down towards the front similar to the existing garage roof and will maintain a garage door in the front elevation.

The new front entrance porch will enclose the existing open porch canopy and maintain a dual pitched roof with front gable end design.

A flat roofed dormer is also proposed within the rear roof slope of the main dwelling and two rooflights within the front roof slope, which will provide accommodation within the roof space.

Location

The application site comprises a two storey link detached dwellinghouse which is linked to no. 3 Hathaway Close to the eastern side by an existing attached garage belonging to the host dwelling at no. 4. The property lies on the southern side of Hathaway Close which is a small cul-de-sac comprising of 11 residential properties of a similar size and style. The street is part of a larger development of 52 residential properties constructed in the mid-80's.

Consultations

Nearby owners/occupiers were notified of the application and representations were received from no. 3 Hathaway Close which can be summarised as follows:

- Objection to use of the party wall with no. 3 for the front garage extension
- Planning Permission Laws 2013 states that written details of the extension which includes all sizes and dimensions should be provided
- The extension should not be built to the part of the home which faces the road
- Building regulations states that no extensions should be built beyond or added to the front of the house and no outbuilding should be forward of the original dwelling
- The property is being used for a commercial purpose and the extensions will increase this use
- The use of the garage as a commercial use invalidates neighbours home insurance
- The deeds state there should be no commercial use
- The extension would adjoin no. 3 turning it into a mid-terraced property devaluing the property
- The plans for the utility room do not show ventilation for a washing machine, drier etc.
- There is only a 0.1m gap between the side extension and no. 3 which is against the party wall act
- Party walls and excavations adjacent to them should not be built within either 3 or 6 metres of a neighbouring owner's building or structure
- No party wall notice has been given and will not be signed

- There should not be any side doors or windows in the single storey rear extension
- An application at a later date for a second floor rear extension would be objected to due to Right to Light
- The extensions at no.3 were restricted and no. 4 should be
- The rear dormer will cause a loss of light
- The dimensions of the rear dormer are disproportionate to the existing property and does not conform to Town Planning 2002
- overshadowing
- loss of privacy
- would change the character, environment and architectural layout as was originally designed
- the use of the garage to a utility would change the category of no. 3 from a garage linked detached house to a mid-terrace house reducing the commercial value of no 3

The applicant submitted a response to the objections raised by no. 3 Hathaway Close which is summarised as follows:

- The extensions are for residential purposes for the two adults and four children currently residing in the existing 3 bedroom property and are not for commercial purposes
- The changes to the front of the property are minimal and the porch area would enclose the existing porch area similar to no. 1 and is an infill rather than an extension
- The front extension to the garage is to maintain a garage as storage with the addition of a utility room and could be removed if no.3 is concerned
- The drawings are all to a recognised scale and include a scale bar on each drawing
- The porch in most cases would be permitted development
- Building regulations make no reference to what is or not permitted by planning consent or permitted development and are purely concerned with construction standards
- The statement includes comments with regards to the use of the property for any business purpose and outlines that no trading and no commercial activity is undertaken at the property and the garage/driveway is used only for storage of coffee carts as confirmed to Environmental Health
- There is no selling or visiting by customers to or from the property and no advertising at the address.
- There is no increase to coffee carts at no. 4
- The carts are maintained away from the house and there is no noise pollution
- The storing of the coffee cart is no different to a black cab or ice cream van and should not affect house insurance of neighbour
- Neighbouring garage at no. 3 is also no longer used as a garage
- The alterations already undertaken to no. 3 have changed the character, environment and architectural layout and would therefore be against the deeds

- If the plans need to show ventilation this will be done under building regulations but the velux window shown on the plans is considered adequate
- Side extension dimensions are to scale
- The drawings show a boundary gap of 20cm
- The Party Wall Act does not prevent building work from taking place but is to protect both parties by formalising notices which need to be served prior to work commencing
- No. 4 is set 12 feet further back from no. 3 and doesn't form part of the building line of no. 1,2,3
- There are no proposed side windows and the pitched roof will be set to 15 degrees
- There are no plans to apply for a second floor extension as this has been dealt with by extending into the loft
- The dormer window is set 500mm in from the roof edge at both sides and 300mm back from the eaves
- The photoshopped images provided by no. 3 are exaggerated and larger
- The trees in no. 3's garden already create a loss of light

Full copies of all objection letters and the response received from the applicant are available on the file.

Any further comments received will be reported verbally at the meeting.

Comments from Consultees

Comments have yet to be received from the Council's Highways Officer and these may be reported verbally at the meeting.

Planning Considerations

The application falls to be determined in accordance with the following policies:

Unitary Development Plan

BE1 Design of New Development

H8 Residential Extensions

H9 Side Space

Supplementary Planning Guidance

Unitary Development Plan:

Supplementary Planning Guidance 1 General Design Principles

Supplementary Planning Guidance 2 Residential Design Guidance

Planning History

The property was originally constructed as part of a development granted full planning permission for 52 houses to land adjacent and rear of Lennard Hospital, under ref: 84/02975/FUL. A subsequent details application in respect of landscaping details was submitted and approved under ref: 85/02694/DETMAL. It is noted that permitted development rights were removed by permission granted 84/02975 and as such any development at the property requires full planning permission.

More recently an application for a 'Two storey rear and single storey side extensions single storey front extension and new front entrance porch' was withdrawn by the applicants before determination.

Conclusions

The main issues relating to the application are the effect that the proposed development would have on the character of the host dwelling and area in general, and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Principal

The extension of a residential dwelling is generally acceptable in principle, subject to the size, mass, scale and form proposed and the subsequent impact upon the amenities, outlook and privacy of neighbouring residents, the character of the area and of the host dwelling and any impacts relating to parking provision or other highways matters. It is noted that the application site has not been subject to any previous extensions.

Scale and Design

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.

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 seeks the introduction of a number of extensions to the property. To the front of the dwelling a modest single storey extension is proposed to the existing garage and the existing open front porch is shown to be enclosed. The extensions are small in scale and are shown to respect the existing design of the property.

To the rear a single storey extension is proposed which will project to the rear of the existing garage adjacent to no. 3 before being set away from the boundary for the remainder of the extension which projects out from the main dwelling. The properties in this part of the road are staggered and do not follow a uniform front or rear building line. It can also be seen that properties within the area, including the neighbouring property at no. 3 have also been extended at single storey to the rear and within the roof space. The design and scale of the single storey side/rear extensions would therefore be in keeping with the host dwelling and area in general, and the materials are shown to match the existing. Accordingly, the scale and design of the proposed rear extensions are considered to be acceptable.

Concerns have been raised as to the size of the proposed rear dormer in proportion to the main dwelling. However, the dormer would be set up from the eaves, lower than the ridge height of the main roof of the dwelling, and set in from both flank walls. As such it would fit within the main roof of the existing dwelling and would remain subservient to the main dwelling. The neighbouring property at no. 3 benefits from a similar flat roofed dormer and as such the dormer extension would not be out of character with the area.

Taking all this into account, it is considered that the scale and design of the proposed extensions would not cause significant harm to the character of the host dwelling or area in general.

Neighbouring Amenity

Policy BE1 requires development to have a relationship with neighbouring buildings that allows for adequate daylight and sunlight to penetrate in and between buildings, respect the amenity of existing and future occupiers of neighbouring buildings and ensure that their environments are not harmed by reason of noise and disturbance or by inadequate daylight, sunlight, privacy or overshadowing.

The single storey front extension and front porch would not project any further forward than the front building line of the neighbouring property at no. 3. Whilst the concerns raised by the occupiers of this neighbouring property in relation to the use of the adjoining wall and the potential impact on the value of the property are acknowledged, these are not material considerations in the determination of a planning application and would be private legal matters between the applicant and the owner of this neighbouring property. As the extensions would not project beyond the front building line of no. 3 they are not considered to give rise to any undue loss of amenity.

The single storey side/rear extension which lies to the rear of the existing garage would be located adjacent to the boundary with no. 3 with a separation from the flank wall to this shared boundary of only 0.1m. The extension will project for a depth of 4.4m with a flat roof to a height of 2.5m. Due to the original layout of the properties within the street, the application dwelling at no. 4 sits much further to the rear than the neighbouring property at no. 3. As such, the rear of the attached garage at no. 4 lies in line with the original rear building line of no. 3.

However, no. 3 has been extended to the rear at single storey following a grant of permission under ref: 03/01796/FULL6. The Council's records indicate that this extension projects to a depth of 3m and as such the proposed single storey side/rear extension at no. 4 would project only a further 1.4m beyond the rear elevation of this existing extension. Therefore, having regard for this existing relationship and given the modest height of the proposed extension, it is not considered to give rise to any significant loss of amenity by reason of light or outlook and would therefore be compliant with the overarching aims of policy BE1 of the UDP. Concerns with regards to building regulations matters would not be material planning considerations.

Due to the existing layout of no's 3 and 4, as indicated above, the rear building of the main dwellinghouse at no. 4 sits much further back, by approximately a distance of 3.5m, than the original rear building line of no. 3. As such the single storey rear extension, which will project 3.6m from the rear of the main dwelling, will be approximately 4.1m from the rear of no.3. However, a separation of 2.65m is provided between this side boundary shared with no. 3 and the flank wall of this deeper part of the rear extension which will help to reduce the impact in terms of outlook and light. Furthermore, no. 3 lies to the east of the application property so the loss of direct sunlight would be lessened due to this orientation. There are no flank windows proposed and as such there would be opportunities for overlooking or loss of privacy.

Taking account of the existing relationship between the application property and neighbouring property at no. 3, and the siting, size and design of the extension which will reduce in height towards the rear to a minimum of 2.5m due to the proposed pitched roof, the proposed extension is not considered to result in a significantly harmful impact on the residential amenities of this neighbouring property as to warrant a refusal of planning permission on this basis.

To the west of no. 4, the front elevations of no's 5 and 6 Hathaway Close face towards the application site and as such the proposed rear extension will be visible. However, there is a distance of some 13m between the side boundary of no. 4 and the front elevations of these neighbouring properties and as such given the single storey nature of the extension and this separation, there is not considered to be any loss of amenity to these neighbouring properties resulting from the proposed extension.

Concerns have been raised by the owner of no. 3 with regards to a loss of light to the rear windows of this neighbouring property from the proposed rear dormer. The proposed dormer would sit within the existing roof of the main dwelling, and as such whilst it will increase the bulk and height of this part of the roof, it will not extend any further to the rear than the rear building line of the existing dwelling nor any closer to the neighbouring property. As such, whilst the rear of the neighbouring dwelling at no.3 sits behind the application property and so part of the flank wall of the dwelling and the roof are visible from the rear of this property, given the size and siting of the proposed dormer and the separation to the neighbouring property, the proposed dormer is not considered to result in any significant loss of light or outlook as to warrant a refusal of planning permission.

The proposed rooflights in the front roof slope and rear roof slope of the existing garage are proportionate to the main dwelling and would not give rise to any additional opportunities for overlooking or loss of privacy.

Concerns have also been raised with regards to the use of the property as a commercial business. The floor plans submitted with the application indicate residential use and any use as a business may be investigated by the Council separately.

Having had regard to the above, Members may consider that the proposed extensions are acceptable in that they would not result in a significant loss of amenity to local residents nor impact detrimentally on the character and appearance of the host dwelling or area in general. Therefore, the extensions are considered to comply with the overarching aims and objectives of Policies H8 and BE1 of the UDP.

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.