

SECTION '2' – Applications meriting special consideration

Application No : 16/04531/FULL6

Ward:
**Chelsfield And Pratts
Bottom**

Address : 30 Stirling Drive Orpington BR6 9DN

OS Grid Ref: E: 546815 N: 164196

Applicant : Mr J Michael

Objections : YES

Description of Development:

Single storey front extension and part one/two storey side extension
PARTIALLY RETROSPECTIVE

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 29

Proposal

The host property is a semi-detached two storey dwelling house with off street parking capability for up to two vehicles within the front amenity space. The topography of the land slopes down slightly from the highway to the front elevation. The property has a duo pitched roof with black upvc rain water goods and white upvc fenestration.

This application seeks amendments to the previously refused application ref: 15/04242 (and dismissed at appeal) which was submitted to regularise alterations to a previous permission granted under reference: 14/02589/FULL6.

The development overall is partially retrospective and will have a ground floor width of 6.8m and a maximum length of 9.3m, projecting at ground floor level to the front of the house by approximately 2.5m. The ground floor extension is located 968mm from the common side boundary to the front and 847mm at the rear. The first floor extension will be sited above the kitchen and utility extension between 2-2.03m from the common side boundary with number 11Knights Ridge.

Consultations

Nearby owners/occupiers were notified of the application. The comments received are summarised as follows:

- What is built on site is not what is being applied for
- Extra surface water should not be piped into soakaways at the front of the house which could potentially affect the water table

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
H8 Residential Extensions

The Council's adopted Supplementary Planning Guidance is also a consideration

London Plan (2015)

- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 7.4 Local Character

The National Planning Policy Framework (2012) is also a consideration

Planning History

There is a complex planning history with regard to 30 Stirling Drive which is a pertinent and material planning consideration in the determination of this application:

14/01527/FULL6 - Part one/two storey side/rear extension - Refused

Reasons for refusal:

1. The proposal does not comply with the Council's requirements for a suitable side space to be maintained to the flank boundary in respect to two storey development on corner dwellings, in the absence of which the proposal would constitute a cramped development, out of character with the street scene in general and contrary to Policies BE1, H8 and H9 of the Unitary development Plan.

2. The proposed extension, by reason of its design and excessive forward projection, would result in a detrimental impact on the character of the house and the visual amenities of the street scene, and would constitute an intrusive feature to the front of the dwelling, contrary to Policies BE1 and H8 of the Unitary Development Plan.

14/02589/FULL6 - Part one/two storey front/side extension - Permitted

14/02589/AMD - Amendment to the single storey front extension to enclose an open porch - Approved

The development was not built in accordance with the plans as approved and as such an application was made to regularise the build.

15/04242/FULL6 - Single storey front extension and part one/two storey side extension RETROSPECTIVE - Refused

Reasons for refusal:

1. The proposal does not comply with the Council's requirements for a suitable side space to be maintained to the flank boundary in respect to two storey development on corner dwellings, in the absence of which the proposal would constitute a cramped development, out of character with the street scene in general and contrary to Policies BE1, H8 and H9 of the Unitary development Plan.

2. The proposed extension, by reason of its design, siting and excessive forward projection, would result in a detrimental impact on the character of the house and the visual amenities of the street scene, and would constitute an intrusive feature to the front of the dwelling, contrary to Policies BE1 and H8 of the Unitary Development Plan.

3. The proposed extension, by reason of its design, size and siting would result in a detrimental impact on the residential amenity of the owner/occupiers of number 11 Knights Ridge, contrary to Policies BE1 and H8 of the Unitary Development Plan.

The application was subsequently dismissed on appeal (ref: APP/G5180/D/16/3142959) with the Inspector stating the following:

- As a result of the changes from the approved scheme is a building that is over dominant to the outlook. The proximity of the first floor of the extension leads to an unduly oppressive feeling from the neighbouring garden and house.

- The retained distance between the extension at 30 Stirling Drive and the house 11 Knights Ridge is not sufficient to mitigate the overbearing proximity. This materially harms the living conditions of the occupiers of that property

- Due to the ground floor extension having a pitched roof there is a notable increase in building mass when viewed from 11 Knights Ridge which is appreciable within the garden due to the long length of this element of the extension adjoining much of the boundary. This leads to an over-dominant impression when combined with the first floor element of the works and compounds the harm to outlook from number 11.

- The Inspector was satisfied that the windows in the extension do not lead to any loss of privacy, due to the use of the windows and the oblique angle of view

- The design of the extension does not harm the character of the host property or the surrounding area. The extended house is well proportioned and of good design. There is sufficient space retained at first floor level to prevent any cramped appearance to the house.

This application is submitted in an attempt to amend the scheme as built to overcome the concerns raised by the appeal Inspector.

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.

Within the previous appeal decision the Inspector found that some of the development as built that differed from that as granted under the 2014 approval was acceptable. These elements included:

- The main ridge height of the extended roof maintaining the existing ridge height of the original dwelling, as opposed to being set down as originally approved.
- The new windows in the front and rear of the extension
- The side space provision with number 11
- The variation in the forward projection of the front extension (increase by approximately 0.5m from that as previously granted).

This application seeks retrospective permission for the retention of those acceptable elements which differ from the 2014 approval, with some amendments to the design to overcome the Inspector's concerns in light of application ref: 15/04242/FULL6, specifically in terms of the impact upon number 11 Knights Ridge. The main differences are:

- The garage is to be sited 847mm at the closest point to number 11, increased from 776mm
- Partial flat roof construction over the garage in replacement to the constructed pitched roof.
- The 2014 approval indicated a 'stepped' first floor layout which maintained over 2m separation to the boundary. The development was built out to infill this area. The revised plans now propose that the first floor extension will be chamfered to use a 45 degree angle wall which maintains a minimum of 2m separation to the boundary.

Therefore, this report will deal solely with these amended elements that were not considered by the appeal Inspector and have been submitted to overcome the Inspector's concerns predominantly regarding the impact of the scheme upon the residential amenity of number 11 Knights Drive.

The proposal would provide a part one/two storey side extension that would be constructed 876mm from the boundary at ground floor level and approximately 2m at first floor level. The proposal is contrary to Policy H9 of the UDP in that a 1m side space is not retained for the full height and width of the flank elevation, nevertheless, the Inspector found no concern with the side space provision within the previous appeal decision, stating that the development would not result in a cramped appearance.

The rear of the first floor side extension is proposed to be stepped away from the common side boundary with number 11 Knights Ridge by a further 1.25m by introducing a chamfered corner. Within the appeal decision the Inspector stated that the proximity of the first floor of the extension contributes to an unduly oppressive feeling from the neighbouring garden and house. The extension is now proposed to be sited at a similar distance to that as previously approved under application ref: 14/02589/FULL6 in response to the Inspectors concerns. Whilst the design of the extension has altered from that as previously approved, Members may now consider that in terms of the impact upon number 11 Knights Ridge, the amended design is reflective of the scheme previously found to be acceptable and on balance has overcome the Inspectors concerns in this regard.

With regard to the single storey side extension, the Inspector stated that the provision of a pitched roof profile in replacement to the flat roof structure which was previously permitted, has led to a notable increase in building mass when viewed from 11 Knights Ridge, which is particularly appreciable within the garden of that property. The Inspector further states that the pitched roof leads to an over-dominant impression upon number 11 and when combined with the first floor element of the works to the appeal property, compounds the harm to outlook from number 11. The Applicant has amended the single storey extension, replacing the pitched roof with a flat roof at a height of 3m, similar to that permitted within the 2014 application. Members may consider that the impact of the raised ridge height and pitched roof form has been satisfactorily mitigated and no longer unduly impacts upon neighbouring residential amenity to a materially greater degree to that previously permitted under the 2014 permission.

The amendments proposed within this application are considered to relate well to the elements of the proposal found to be acceptable by the Inspector, and Members may consider that the scheme appears holistic in terms of its design, size and siting.

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 detrimental impact on the character of the area and would not impact harmfully on the amenities of neighbouring properties. The scheme is considered to satisfactorily overcome the concerns raised in the Inspector's report and on balance, the scheme is recommended for permission subject to conditions.

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 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise 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 appearance of the building and the visual amenities of the area.

3 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

4 Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

Reason: No windows or doors shall at any time be inserted in the first floor flank elevation(s) of the development hereby permitted, without the prior approval in writing of the Local Planning Authority.

5 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 character of the area.