

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

**Application No :** 16/02275/FULL6

**Ward:**  
**Chelsfield And Pratts  
Bottom**

**Address :** 8 Stephen Close Orpington BR6 9TZ

**OS Grid Ref:** E: 545540 N: 165146

**Applicant :** Mr & Mrs Huang

**Objections :** YES

### **Description of Development:**

Two storey rear, first floor side and single storey front extension and conversion of garage to habitable accommodation

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 14

### **Proposal**

Update to Report

The application was previously report to Plan Sub-Committee No.4 at the meeting held on the 11th August 2016. The application was deferred without prejudice for the following:

- To seek a reduction in the size of the extension

Members will recall that this application was submitted to Plans Sub Committee 2 on 14th July 2016 where members resolved to defer the application, without prejudice to seek a reduction in scale of the extensions.

The applicant has considered the request of the Committee and has submitted a revised plan which was received on 26th July 2016 which reduces the first floor rear extension by 0.35m and reduces the width of the front extension by 2.5m.

Members will note that the applicant has now appealed on the grounds of non-determination. This application will now be considered by the Planning Inspectorate. The Council must consider whether it will contest this appeal.

The application proposes a two storey rear extension that would have a depth of 2m, by a width of 8.15m at ground floor, which is a reduction in width to the overall dwelling at the rear and a width of 5.4m at first floor. It would have an eaves height of 5.1m and a ridge height of 7.2m.

The report as previous is set about below and suitably amended.

The first floor side extension would have a depth of 8.4m by a width of 2.5m and would have an eaves height of 5.1m and a ridge height of 8.4m.

The single storey front extension would measure 1m in depth, by 2.7m in width and would have an eaves height of 2.5m and a ridge height of 3.6m.

The application site hosts a two storey detached dwelling on the South Eastern side of Stephen Close, Orpington

## **Consultations**

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

- o Only overcomes side space reason for refusal
- o Bedrooms are too small
- o New brick wall will be claustrophobic
- o Rear extension is less than 10m from boundary with number 2 Marcellina Way
- o Previous application in BR6 was refused for being less than 10m from the boundary
- o Front extension will be out of character by changing the building line
- o Front extensions near the site on this estate have been refused in the past
- o If occupancy increases this will exacerbate parking issues
- o First floor extension is excessive
- o Previous refused application concluded that there would be no impact on number 7 or 9, this is felt to be inaccurate
- o Loss of light
- o Extension intersects 45 degree line
- o Loss of outlook
- o Development is unprecedented
- o Objections from previous application are still valid

Highways raised no objection but asked for Condition H03 to be added to any permission.

## **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  
H9 Side Space

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No1 - General Design Principles  
SPG No2 - Residential Design Guidance

Under planning reference 88/00514 permission was granted for a single storey side extension.

Under planning reference 16/00406 permission was refused for a Two storey rear extension, first floor side and single storey front extensions and conversion of garage to habitable accommodation for the following reason:

"The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two-storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene and contrary to Policy H9 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 seeks to overcome the previous refusal under planning reference 16/00406 which was refused for the lack of side space. There is now a minimum of 1m side space proposed at both ground and first floor.

The two storey rear extension is of minimal projection and due to the position of the extension closest to the boundary with number 7 and the nature of number 7 being set further back than the host dwelling it is considered that there would be little impact on this adjoining dwelling.

The overall width of the dwelling is to be reduced, and so the extension at ground floor would be further from the property at number 9 than at present, although the depth is increased this extension would not have a significant detrimental impact on this adjoining owner.

The first floor side extension would be built above the existing garage, which is to be reduced in width to allow for a minimum of 1m side space, this therefore overcomes the reason for refusal under reference 16/00406 and complies with Policy H9 of the UDP.

The single storey front extension would only bring the front building line forward by 1m, however given the uniformity within the close, and the wider estate in this area it is considered that this would significantly harm the character and appearance of the host dwelling and the street scene, however this is not considered so detrimental as to warrant a refusal.

The conversion of the garage to a habitable room along with the front extension would not significantly harm the amenities of any adjoining owners, nor impact on the character of the area.

Having regard to the above, it is considered that the proposed development is acceptable on balance and accordingly it is recommended that Members resolve not to contest the pending appeal against the Council's non-determination of the application. Whilst it is not possible to impose conditions, it is suggested that the conditions listed below are put forward to the Inspector to consider in determining the appeal.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: RESOLVE NOT TO CONTEST APPEAL**

- 1            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            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            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            4            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.**