

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

**Application No :** 16/05289/FULL6

**Ward:**  
**Clock House**

**Address :** 66 Tremaine Road Penge London SE20  
7TZ

**OS Grid Ref:** E: 534965 N: 169096

**Applicant :** Mr Kadhum Hindi

**Objections :** YES

**Description of Development:**

Part one/two storey rear extension with steps

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 51

**Proposal**

The application seeks planning permission for a part one/two storey rear extension, with associated steps. The proposed extension will have a rearward projection of 5m with a width of 5.7m. In terms of height, the proposal will have a height to the flat roof of the single storey element of 3.7m, whilst the two storey element will have a height of approximately 7.95m to the hipped roof. The proposed decked area proposes a 2m projection (at just under 1m in height) with steps leading down to the rear garden.

**Location**

The application site is a two storey end of terrace dwelling located on north-east side of Tremaine Road, Penge.

The host dwelling is adjoined to the north-west by the newly formed property at No.64A permitted under planning reference: 15/05593/FULL1, for the erection of a new two storey building to accommodate 1 two bedroom flat and 2 one bedroom flats. To the south-east the host dwelling is adjoined by the neighbouring semi-detached property at No.68.

**Consultations**

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

Comments were received in objection from the adjoining neighbouring property at 68:

- This is the same application that has now been rejected twice
- The proposed extension continues to be excessive and obtrusive and not in keeping with the surrounding houses
- It will leave our property significantly overlooked as all the side shrubbery will need to be removed to allow for this extension.
- We strongly object to both the size of the ground floor extension and particularly to the first floor extension

### **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

SPG1 General Design Guidance  
SPG2 Residential Design Guidance

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process.

The following emerging plans are relevant to this application.

#### **Draft Local Plan**

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the submission of the Local Plan to the Secretary of State will be in the early part of 2017.

Emerging Local Plan Draft Policies:

Draft Policy 6 Residential Extensions  
Draft Policy 37 General Design of Development

The London Plan

Policy 3.5 Quality and design of housing developments

Policy 5.3 Sustainable design and construction

Mayor's Housing Supplementary Planning Guidance (2015)

The National Planning Policy Framework (NPPF) is also a consideration.

### **Planning History**

16/02024/PLUD-Rear dormer and front rooflights. Lawful Development Certificate (Proposed).-Proposed Development is Lawful- Date issued-20.06.2016

16/02027/FULL6-Part one/two storey rear extension with steps- Application Refused- Date issued-01.07.2016- Appeal Allowed- 03/11/2016

Refusal Grounds:

1. The proposed extension would, by reason of its excessive rearward projection appear as dominant obtrusive form of development, which would seriously affect the amenities of the neighbouring occupiers of 68 Tremaine Road and the future occupants of 64A Tremaine Road, contrary to Policies BE1 and H8 of the Unitary Development Plan.

16/03679/FULL6-Part one/two storey rear extension with steps- Application Refused- 27.10.2016

Refusal Grounds:

1. The proposed extension would, by reason of its excessive rearward projection appear as dominant obtrusive form of development, which would seriously affect the amenities of the neighbouring occupiers of 68 Tremaine Road and the future occupants of 64A Tremaine Road, contrary to Policies BE1 and H8 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.

### **Planning History**

The site has a complex planning history as outlined above. Planning permission was refused under planning reference: 16/02027/FULL6 also for a 'Part one/two storey rear extension with steps' on 01/07/2016. The Council considered that the proposed development would have, by reason of its excessive rearward projection appear dominant and obtrusive, leading to a serious effect to the amenities of the

neighbouring occupiers at number 68 and the future occupants of number 64A Tremaine Road.

The subsequent Appeal was also dismissed. The Planning Inspectorate considered that the design and appearance of the proposal in particular the flat roofed first floor rear element, would have appeared out of keeping with the traditional character and appearance of the host dwelling. Furthermore, the proposed extension and the height of the first floor extension would have served to emphasise the incongruous nature of the flat roofed design. The inspector noted that other proposals in the surrounding area, with a similar size and bulk have incorporated 'Hipped' roof designs, which are considered to be more in keeping with the traditional character of the host dwelling.

Additionally, the Inspector considered that the proposal would not have had a significant adverse effect on the living conditions of the existing and future occupiers of 68 and 64A Tremaine Road, contrary to the Council's assessment of the proposal.

A revised application was also refused by the Council under planning reference: 16/03679/FULL6. In this instance the applicant scaled back the first floor element to a depth of 3m as opposed to 5m. However, the Council considered that the revised application had not overcome the refusal grounds from the previous application. The Appeal decision from the prior application had not at this point been determined.

### Design and Appearance

Policies BE1, H8 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. Consistent with this, the National Planning Policy Framework (NPPF) states that new development should reflect the identity of local surroundings and add to the overall quality of the area.

As outlined above the Appeal decision is considered to be a material consideration in the assessment of this planning application. The current proposal appears to be similar to the original application in terms of the size and depth of the extension along with the rear decking/steps. The only material difference between the two applications is that the applicant, in light of the Inspector's report, has added a hipped roof to the first floor rear extension. Presumably in order to overcome the concerns raised by the Inspector in regards to the previously proposed flat roof design, which was considered to significantly affect the character and appearance of the host building.

Despite the Inspector's comment it is considered that the proposal would still appear as a dominant and obtrusive form of development. Furthermore, the addition of a hipped roof would add to the size and bulk of the development. However, Members should consider the Inspector's comments carefully and despite concerns raised by the Council the Appeal decision is a material consideration that should not be ignored. As a result, it is considered that the

proposed design and appearance of the development is acceptable when considering the weight the Appeal decision holds.

### Impact on residential Amenity

Policy BE1 seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

Further to the above the Inspector considered that the initial proposal would not lead to any undue loss of amenity to neighbouring dwellings, despite the concerns raised by the Council.

The Inspector summarised by saying that due to the pathway separating the host dwelling and No. 64A along with the fence enclosing site, together with the relative position of the rear elevation of No.64A, means that the extensions would not have an adverse effect on the outlook of residents or any future residents of No. 64A.

In regards to No.68 the Inspector considered that the proposed extension would not project significantly beyond the existing extension at no.68. Furthermore, the first floor extension would be set away from the shared boundary. Notwithstanding the concerns raised by the Council the Planning Inspectorate has determined that the proposal would not give rise to a significant loss of amenity to neighbouring dwellings.

### Summary

Taking into account the above, Members may therefore consider that the development in the manner proposed is acceptable, when considering the matters raised by the Inspector in the prior Appeal statement (planning reference: 16/02027/FULL6). The Appeal Decision is considered to be a significant material consideration in the assessment of this planning application. The revised scheme has added a hipped roof design, which was considered to be integral to the design of the development in order to complement the character and appearance of the host dwelling. The original proposal was not considered to give rise to any undue loss of amenity to neighbouring properties, despite concerns raised by the Council in the original grounds for refusal. As a result, it is considered that the proposal is acceptable and within the limitations of Policies BE1 and H8 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.**