

## **Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No :** 17/01047/FULL6

**Ward:**  
Hayes And Coney Hall

**Address :** 106 Birch Tree Avenue West Wickham  
BR4 9EL

**OS Grid Ref:** E: 539585 N: 164509

**Applicant :** Ms Ross

**Objections :** NO

### **Description of Development:**

Alterations to existing side dormer (Retrospective Application)

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 51

### **Proposal**

Planning permission is sought retrospectively for an existing side and rear dormer. The proposal seeks to reduce the scale of the existing side/rear dormer, which was built without planning permission. The application seeks to reduce the width of the current extension by removing part of the side dormer projecting out across the two storey wing section of the roof slope.

The existing side and rear dormer currently has a depth of 7.3m, a height of 2.5m to the hipped roof, with an approximate width of 4.5m. The proposal seeks to reduce the width of the proposal to 3.7m by removing the part of the side section; the height and depth of development will remain the same. The alterations mean that the cubic volume of the dormer will be 42.15m<sup>3</sup> from 45.43m<sup>3</sup>.

### **Location**

The application site is a two storey semi-detached property located on the western side of Birch Tree Avenue. The property includes a prominent front gable, with a staggered flank elevation and benefits from off-street parking and a generous rear garden. The surrounding area is characterised by two-storey semi-detached residential dwellings. The site is not located within a Conservation Area, nor is it Listed.

### **Consultations**

Nearby owners/occupiers were notified of the application and no representations were received.

## **Planning Considerations**

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

National Planning Policy Framework:

Chapter 7- Requiring Good Design

London Plan:

Policy 7.4 Local character

Policy 7.6 Architecture

Unitary Development 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 draft Local Plan will be submitted to the Secretary of State in mid-2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 6 Residential Extensions

Draft Policy 37 General Design of Development

## Planning History

88/01360/FUL-SINGLE STOREY REAR EXTENSION SEMI-DETACHED HOUSE-  
Application Permitted- Date issued-25.05.1988

15/00012/FULL6-First floor rear extension and side dormer windows to Numbers  
106 and 108 Birch Tree Avenue and two storey front/side extension to Number 106  
Birch Tree Avenue with access steps to side- Application Refused- Date issued-  
18.02.2015

16/03455/ELUD-Loft conversion. Lawful Development Certificate (Existing).-  
Existing development is not Lawful- Date issued-30.08.2016

16/04414/ELUD-Side and rear dormer-LAWFUL DEVELOPMENT CERTIFICATE  
(EXISTING)- Existing Development is not Lawful- Date issued-09.11.2016

## Other applications nearby

42 Birch Tree Avenue, West Wickham- 16/03903/FULL6- Application refused- Date  
issued- 03/10/2016- Dismissed on Appeal- 23/02/2017

120 Birch Tree Avenue, West Wickham- 16/03474/FULL6- Application Refused-  
31/08/2016

138 Birch Tree Avenue, West Wickham- 15/04448/FULL5- Application Refused-  
Date issued- 30/11/2015- Dismissed on Appeal- 11/04/2016

## 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 retrospective planning application follows on from two previous Existing Lawful  
Development Certificates (16/03455/ELUD & 16/04414/ELUD) each of which were  
not considered to be LAWFUL for the following reason:

'The proposal as submitted would not constitute permitted development under  
Class B of Part 1 of Schedule 2 of the Town and Country Planning (General  
Permitted Development) (England) Order 2015, as the development extends  
beyond the plane of the roofslope that forms the principal elevation of the building  
and fronts a highway'.

The planning history section also refers to a number of similar applications along  
Birch Tree Avenue for side and rear dormers all of which have been resisted by the  
Council and subsequently dismissed on appeal by the Planning Inspectorate.

Accordingly the Council must now consider this application on its own merits and in light of the current policies.

## Design

Both national and local planning policies recognise the importance of local distinctiveness in ensuring an effective planning system which achieves favourable design. Paragraph 60 of the NPPF states that it is proper to seek to promote or reinforce local distinctiveness, whilst paragraph 61 refers to the fact that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Whilst London Plan Policies 7.4 and 7.6 seek to enhance local context and character, as well as encouraging high quality design in assessing the overall acceptability of a proposal. It is considered that the proposal fails to address these criteria.

Similarly, policy BE1 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas.

Moreover, UDP policy H8 provides that dormer windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area.

The application property is one half of a pair of symmetrically designed semi-detached dwellings. The roofs of the dwellings are both prominent and of particular importance to the appearance of the street scene and comprise large front gables with timber detailing to the front and full hips to the sides and rear. These hips add to the sense of space between the buildings and emphasise the prominence of the front gables. The properties also benefit from two storey wings to the side which are modest in form and appearance with fully hipped roofs set back from the front of the property. As a result they are visually subservient and emphasise the simplicity and prominence of the front gables.

Whilst it is recognised that the existing side/rear dormer extension would be reduced in scale the development would still occupy much of the existing roofspace. As such, due to its size and design the development would still totally dominate the roof of the host dwelling, when viewed from the street scene and the rear garden environment. Furthermore, the materials and appearance of the existing and proposed extension, further emphasises the intrusive, incongruous and conspicuous nature of the development, which fails to blend in with the materials of the existing roofscape. As a result, the pair of semi-detached dwellings would appear visually awkward and unbalanced due to the size, bulk and design of the development.

It is also important to note that whilst it is recognised that there are other examples along Birch Tree Avenue and surrounding roads of dormer roof extensions, these are not considered to be of significant material weight in the consideration of this

planning application. In both Dismissed Appeals at no.42 and 138 Birch Tree Avenue (as referred to above) the Planning Inspectorate outlined that despite the presence of existing extensions in the surrounding locality almost all these were considered to detract from the character and appearance of their host properties and the street scene. In addition, it was considered that their presence does not justify further visually harmful development. Furthermore, it was determined that dormer extensions upset the rhythm of the roofscape and failed to respect the character and appearance of the host dwellings.

Therefore, for the reasons above it is considered that despite the intention to reduce the scale of the proposal the reductions are not considered significant enough to warrant planning permission. It is considered that the roof extension would still appear top heavy and would fail to respect, reflect or blend in appropriately with the character or appearance of the host dwelling. It would undermine and detract from the character and symmetry of the pair of dwellings and would harm the overall character and appearance of the street scene.

#### 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.

In respect to amenity the proposal is not anticipated to cause any undue harm to neighbouring amenity. Taking into account the density of the built environment a high level of overlooking already exists from the rear view first floor windows. As a result, the proposal is not expected to cause any significant loss of privacy by way of overlooking to neighbouring amenity over and above that of the existing.

#### Summary

Taking into account the above, Members may therefore consider that despite the alterations to the existing side/rear dormer the proposal would still result in a top heavy and incongruous addition to the dwelling and would fail to respect, reflect or blend in appropriately with the character or appearance of the host building. It would undermine and detract from the character and symmetry of the pair of dwellings and would thus result in detrimental harm to the visual amenities of the street scene. The proposed roof alterations would therefore be contrary to the policy objectives of Policies BE1 and H8 of the Unitary Development Plan, London Plan 7.4 and 7.6 and the NPPF.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/01047/FULL6 set out in the Planning History section above, excluding exempt information.

#### **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

**01 The roof alterations, involving substantial alterations to the original roof profile of the property, are unsympathetic to the scale and form of the host dwelling and resulting in a top-heavy and incongruous addition, detrimental to the appearance of the host dwelling and wider streetscene in general, thereby contrary to Policies BE1 and H8 of the Unitary Development Plan, London Plan Policies 7.4 and 7.6 and the NPPF (2012).**