

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

**Application No :** 17/01937/FULL6

**Ward:**  
**Hayes And Coney Hall**

**Address :** 120 Birch Tree Avenue West Wickham  
BR4 9EL

**OS Grid Ref:** E: 539576 N: 164458

**Applicant :** Mr kenny somwaru

**Objections : NO**

### **Description of Development:**

Roof alterations to incorporate the construction of a side dormer.

### **Key designations:**

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

### **Proposal**

The application seeks planning permission for roof alterations to incorporate the construction of a side dormer. The dormer will replace an existing smaller dormer in the southern side of the main roof slope of the property. It will have a small crown pitched roof and will be tile hung to match the existing roof. It will contain one window in the front elevation and one window in the side elevation. The side window is shown to be obscure glazing.

### **Location**

The application site is a two storey semi-detached property on the western side of Birch Tree Avenue, West Wickham. 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.

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

## **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 makers 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).

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**

Under ref: 73/00973 planning permission was granted for a single storey rear extension.

Under ref: 91/02207/FUL, planning permission was granted for a first floor rear extension.

Under ref: 99/03061/FULL1, planning permission was granted for a part one/two storey side and two storey rear extensions.

Under ref: 04/00921/PLUD, lawful development certificate was granted for a proposed detached garage to rear.

Under ref: 11/00568/PLUD, a lawful development certificate for a proposed side and rear dormer window extension was refused for the following reason;

"The cubic content of the proposed side and rear dormer extensions would exceed the cubic content of the original roof space by more than 50 cubic metres and as such the proposal does not constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2005 (as amended)."

Under ref: 11/02240/PLUD, a lawful development certificate was granted for proposed Side/rear dormer extensions.

Under ref: 13/02873/PLUD, a lawful development certificate for proposed side and rear dormer extensions was refused for the following reason;

"The proposal does not constitute permitted development under Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order 1995 (as amended 2008), as the development will result in part of the dwellinghouse extending beyond the plane of the roofslope that forms the principle elevation of the building and fronts a highway."

Under ref: 16/03474/FULL6, planning permission was refused for a roof alterations to incorporate side/rear dormer for the following reasons;

"1 The proposed roof alterations, involving substantial alterations to the existing roof profile of the property, are unsympathetic to the scale and form of the host dwelling and would result in top-heavy and incongruous additions, 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.

2 The window located within the southern side of the proposed roof alterations would be harmful to the amenities of the neighbouring residential dwelling at no. 122 by reason of overlooking and loss of privacy, thereby contrary to Policy BE1 of the Unitary Development Plan."

Under ref: 16/05134/PLUD, a lawful development certificate for a replacement of existing side dormer with new side dormer and side/rear dormer extension was refused for the following reason;

"The proposal does not constitute permitted development under Class B (c) of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and as such the certificate should be refused, as the development will result in part of the dwellinghouse extending beyond the plane of the roofslope that forms the principle elevation of the building and fronts a highway."

#### Similar applications nearby

42 Birch Tree Avenue, West Wickham - ref: 16/03903/FULL6 - Part one/two storey rear extension, first floor side extension and roof alterations to incorporate side dormer.

Application refused - 03/10/2016 and Dismissed on Appeal- 23/02/2017

132 Birch Tree Avenue, West Wickham- ref: 15/02322/FULL6 - Roof alterations incorporating dormer window to create habitable accommodation.

Application Permitted - 22/07/15

138 Birch Tree Avenue, West Wickham - ref: 15/04448/FULL5 - Roof alterations to incorporate rear dormer.

Application Refused - 30/11/2015 and Dismissed on Appeal- 11/04/2016

138 Birch Tree Avenue, West Wickham - ref: 16/05371/FULL6 - Roof alterations to incorporate rear dormer.

Application Refused - 18/01/17

106 Birch Tree Avenue, West Wickham - ref: 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 - 18/02/15

There is also a further application, ref: 17/01047/FULL6, for alterations to existing side dormer (Retrospective Application) at no. 106 Birch Tree Avenue which is being reported to this committee (06/07/17).

#### **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 application follows on from two previous Proposed Lawful Development Certificates (13/02873/PLUD & 16/05134/PLUD) each of which were not considered to be lawful for the following reason:

'The proposal does not constitute permitted development under Class B (c) of Schedule 2, Part 1 of the Town and Country Planning (General Permitted

Development) (England) Order 2015 and as such the certificate should be refused, as the development will result in part of the dwellinghouse extending beyond the plane of the roofslope that forms the principle elevation of the building and fronts a highway.'

An application ref: 16/03474/FULL6, for a larger roof alteration to incorporate a side/rear dormer was also refused as the extension was considered to include substantial alterations to the existing roof profile of the property which were unsympathetic to the scale and form of the host dwelling and would result in top-heavy and incongruous additions, detrimental to the appearance of the host dwelling and wider streetscene in general. The window located within the southern side of the proposed roof alterations was also considered to be harmful to the amenities of the neighbouring residential dwelling at no. 122 by reason of overlooking and loss of privacy.

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

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.

The previously refused application (ref: 16/03474/FULL6) included larger dormer extensions which extended across both the main and secondary roof to the side wing of the dwelling and wrapped around to the rear. This current application proposes a side dormer only which would extend across the side of the main roof, but not above the secondary roof to the side wing nor wrap around to the rear. It is also noted that a small side dormer exists at the property.

It is acknowledged that the alterations proposed under this current application would be less bulky than that of the previously refused application. However, it would be substantially larger than the existing dormer and would occupy much of the existing main side roof slope. As such, due to its size and design it is considered to still dominate the roof of the host dwelling when viewed from the street scene.

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.'s 42 and 138 Birch Tree Avenue (as referred to in the planning history section 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, Members may consider that the reduction in scale is not 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. This is supported by London Plan Policy 7.6.

In respect to amenity the proposal is not considered to result in any loss of light or outlook given its size and siting. The front facing window will not provide any

additional opportunities for overlooking than currently exist from the upper first floor window of the property. The flank window is shown to be obscure glazing and could be further conditioned to be non-opening to prevent any loss of privacy to no. 122. Accordingly, the proposal is not considered to result in any undue loss of amenity to the neighbouring residential properties.

### Summary

Taking into account the above, Members may therefore consider that the proposed side dormer is not acceptable and would result in a top-heavy and incongruous addition to the host dwelling, which is detrimental to the appearance of the host dwelling and wider streetscene in general, and therefore 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 set out in the Planning History section above, excluding exempt information.

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

**The reasons for refusal are:**

- 1        The roof alterations incorporating the construction of a side dormer are unsympathetic to the scale and form of the host dwelling and will result 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).**