

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

Application No : 17/00918/FULL6

Ward:
Petts Wood And Knoll

Address : 13 Oakhill Road Orpington BR6 0AE

OS Grid Ref: E: 545681 N: 166006

Applicant : Mr & Mrs McNeil

Objections : YES

Description of Development:

Single storey front, side and rear extension and first floor side extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 4

UPDATE

This application was deferred without prejudice by Members of the Plans Sub Committee 4 held on 25th May 2017 to seek a reduction in the size and bulk of the roof. The following revisions have been proposed:

- The eaves height of the two storey extension has been reduced in height by 40cm.
- The overall roof height is shown at 30cm lower than previously considered, and at a lower level than that of the host dwelling.

The slope of the roof sits further away from the neighbouring dwelling by an additional 40cm across the side hip.

The original report is repeated below, and updated where necessary.

Proposal

Planning permission is sought for the demolition of the existing side garage, the erection of a single storey front side and rear extension, and a first floor extension to the side.

Location

The application site hosts a two storey semi detached dwelling on the western side of Oakhill Road. The area is characterised by semi detached residential dwellings.

The site does not lie within a conservation area and is not a Listed Building

Consultations

Nearby owners/occupiers were notified of the application and representations were received which raised the following issues:

- The extension is too large and will have an adverse effect on no.15.

- Because of the slope of the land no.13 sits approximately 2m higher than no.15. This house has an array of solar panels on the south side of the roof (facing no.13) and these will be shaded and rendered much less effective by the two storey side extension. Not only will the side wall be much closer to the solar panels but the height of the sidewall will be significantly increased because it will have a pitched roof. The owner of no.15 will have much reduced energy production and will suffer considerable financial loss as a result.
- The difference in ground height between the two houses could also cause other problems - the boundary wall may destabilise the foundations; the water table could be affected leading to the garden becoming waterlogged
- No.15 will experience a loss of privacy due to increased overlooking

Planning Considerations

National Planning Policy Framework (NPPF) (2012)

Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11-13 of NPPF.)

The London Plan (2015)

Policy 7.4 Local Character

Policy 7.6 Architecture

Unitary Development Plan (2006)

BE1 Design of New Development

H8 Residential Extensions

H9 Side Space

Other Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

The Council is preparing a Local Plan. It is anticipated that the draft Local Plan will be submitted to the Secretary of State in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The relevant policies are as follows:

Draft Policy 37 General Design of Development

Draft Policy 6 Residential Extensions

Draft Policy 8 Side Space

Planning History

There is no recent planning history relating to the application site.

Permission was recently refused under application 17/01293/FULL6 for a one/two storey side extension to the neighbouring dwelling at No.11. This however showed no step down in height from the host dwelling to the two storey extension, nor any step back from the front building line. In addition, the two storey element extended across the entire side elevation of the existing dwelling, and then back a further 3.8m from the rear building line. As such, it was considered to 'constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed 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.

Design and appearance

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, and have regard to the pattern and grain of existing streets in orientation, scale, proportion and mass. Policy BE1 of the Bromley UDP states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy H8 of the UDP states that the design and layout of proposals for the alteration or enlargement of residential properties will be required to (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area. This is reiterated in draft UDP policy 6.

Policy H9 of the UDP states that when considering applications for new residential development, including extensions, the Council will normally require the following:

- (i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or
- (ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties. This is reiterated in draft UDP policy 8.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.

The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.

The proposed single storey side extension would replace an existing garage. The existing garage sits 2.7m in height and is set back from the front building line of the dwelling by 1.9m. The proposed side garage would also sit at single storey level but is shown as set flush with the front building line. The existing ridged roof which runs across the ground floor of the dwelling is shown as continued across the proposed garage, bringing its height in line with this element, at 4.3m high. The same gap as currently exists with the boundary with No.15 is shown as being retained.

To the side of the dwelling, the single storey garage extends 4.3m back into the site, opening up the gap to the side boundary by an additional 1.2m compared with the existing garage. The garage has a false ridge to the front which extends back by approximately 1.3m in depth. The remainder of the garage sits at 3.5m in height.

The proposed two storey element sits 3.4m back from the front building line and 1.2m in from the side boundary with No. 15.

In response to the Members request, the eaves height of the two storey extension has been reduced in height by 40cm. It has a hipped roof which leans away from the

neighbouring plot at No.15. The revisions result in the overall roof height sitting 30cm lower than previously considered, and at a lower level than that of the host dwelling. The two storey element extends back 5m into the site where it continues an additional 3.6m back at single storey level.

As a result of the reduction in heights, the slope of the roof also sits further away from the neighbouring dwelling by an additional 40cm across the side hip.

The side elevation shows the removal of one upper floor window, compared with the existing arrangement.

The rear single storey element is shown as 2.4m to its eaves and 3.5m in overall height and extends across the full width of the dwelling.

The scale, siting and layout of the proposed extension works, with the side single storey element incorporating the ground floor front ridged roof, the two storey element set back 4.2m from the front building line and set at a lower ridge level than the existing dwelling; and maintaining an acceptable gap with the side boundary would result in works that would appear subservient to the bulk of the original dwelling. The extensions would not appear as overbearing, and would have a minimal impact on the street scene.

Whilst the proposed two storey and single storey side elements would marginally overlap in breach of policy H9, the two storey element would be set 1.2m from the boundary for the majority of its length and given the generous set back from the front of the property, it is not considered that the extension would appear unduly cramped or result in a terracing effect.

The increase in bulk would not appear out of character when compared with the prevailing character of development in the area. The resultant dwelling would appear as a congruous and harmonious form of development in relation to the host dwelling and within the locality in terms of height, scale and form

The works are styled and detailed in a manner that would accord with the appearance of the existing dwelling and in materials to match the existing.

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 reiterated in draft policy 37.

The neighbouring dwelling at Number 15 sits at a lower ground level than the application site. A single storey garage sits between the side boundary and the main neighbouring house. A gap of 2.7m would remain between the flank wall of No.15 and the proposed single storey element, and a gap of 3.7m to the two storey element.

The neighbouring dwelling has a ground floor kitchen window which does not receive much sunlight / daylight owing to the change in ground levels. It sits in close proximity to the retaining wall between properties. The proposal would bring a two storey element closer to the shared boundary and closer to the neighbouring kitchen window. However, owing to the existing arrangement, the impact would not be substantially worsened to a degree that would justify refusal of the scheme.

The two upper floor flank windows in No.15 would not be unduly affected.

The proposal would introduce a greater scale of built form adjacent to the flank wall of No.15, but would retain a sufficient gap to ensure that it would not be overbearing. Because of the separation created by the single storey garage at No.15, the separation between two storey flank elevations would be similar to those seen between other dwellings in the road and would not appear out of character within the locality. This impact has been lessened by the revisions sought through the previous committee deferral.

The only upper floor window in the side elevation of the proposal serves a bathroom, and could be conditioned to be obscurely glazed. There would therefore be no loss of privacy to No.15 as a result.

Because of the orientation of the dwelling, the extension works would have no detrimental impact on No.11 in terms of overshadowing or loss of daylight / sunlight. The ground floor element would not have an overbearing impact on No.11 which itself benefits from an existing single storey rear elevation.

Concerns have been raised that No.15 has south facing solar panels on its side roof and that these would be shaded and rendered less effective by the two storey side extension, and that this would result in much reduced energy production and subsequent considerable financial loss as a result. However given the separation distance between the extension and the neighbouring property, it is not considered that the roof slope would suffer overshadowing as a result of the extension works. Regardless, and aside from any detrimental amenity impact, financial consequences of a planning application are not a planning issue that can be factored into consideration of a planning application.

Concerns have also been raised that the difference in ground height between the two houses could also cause other problems such as destabilising the foundations and drainage implications. These are matters that would have to be satisfied through the building control regulation regime and as such, would not be relevant in this instance.

CIL

The proposal does not result in the creation of new residential floor space in excess of 100sqm, and would therefore not be liable for Mayoral CIL.

Overall Conclusion

Having regard to the relevant provisions of Policies BE1, H8 and H9 of the Unitary Development Plan, the Council's Supplementary Planning Guidance on Residential Design Guidance and other material considerations; it is considered that the proposed development would be acceptable and it is recommended that planning permission be granted.

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.

- 4** Before the development hereby permitted is first occupied the proposed window(s) in the elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

REASON: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan