

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

Application No : 17/03284/FULL6

Ward:
West Wickham

Address : 20 Hayes Chase West Wickham BR4
0HZ

OS Grid Ref: E: 539218 N: 167629

Applicant : Mr Stephen Finch

Objections : No

Description of Development:

First floor side and rear extension including elevational alterations

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 2

Proposal

The application proposes the construction of a first floor side/rear extension together with elevational alterations. The application is a resubmission of ref: 17/01007/FULL6, which was refused for the reasons outlined below. The current proposal includes a reduction in the depth of the first floor rear extension by 700mm.

Location

The application relates to a two-storey detached residential dwelling, which is located on the north west side of Hayes Chase. It benefits from off-street parking and a large rear garden. An existing single-storey extension is located to the rear. The properties to the rear of the site are situated within an Area of Special Residential Character, however the application property is not located within this area. The rear most section of the garden is also covered by an Area Tree Preservation Order

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 of the Unitary Development Plan and the London Plan:

London Plan

Policy 7.4 of the London Plan relates to local character.

Policy 7.6 relates to architecture.

The National Planning Policy Framework is a material consideration in the determination of the application.

UDP (2006)

BE1 Design of New Development

H8 Residential Extensions

H9 Side Space

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft policies of relevance to the application comprise:

Draft Policy 6 - Residential Extensions

Draft Policy 8 - Side Space

Draft Policy 37 - General Design of Development.

Supplementary Planning Guidance is also a material consideration in the assessment of the proposals:

SPG1: General Design Principles

SPG2: Residential Design Guidance

Planning History

94/02861/FUL - Single storey side/rear extension. Permission granted on the 25.01.1995

06/00873/TPO - Crown reduce by 15% two oak trees in back garden SUBJECT TO TPO 391 Consent 24.05.2006

17/01007/FULL6- First floor side/rear extension. Refused on the 21.04.2017

Refused for the following reasons:

1. The proposed first floor extension would, by reason of its excessive rearward projection and proximity to the boundary, have a significantly adverse impact on neighbouring residential amenities, resulting in a loss of outlook, prospect and undue visual impact, thereby contrary to Policies BE1,

H8 and H9 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 and 2.

2. The proposed development would, by reason of its inadequate side space result in harm to the spatial qualities of the area contrary to Policy H9 of the Unitary Development Plan (2006).

Neighbouring planning history of relevance:

At the time of the original site visit the applicant highlighted a number of similar developments at neighbouring properties. A summary of these examples are provided below:

15 Hayes Chase:

Under reference 00/00057 planning permission was granted for a similar extension at No. 15 Hayes Chase, albeit with a depth of rearward projection of the first floor element of 2.3m. Under reference 00/02347 planning permission was refused at No. 15 Hayes Chase for an extension with a depth of rearward projection of 3.2m. Permission was refused on the grounds that the first floor extension would have been excessively deep, detrimental to the residential amenities of the neighbouring property at No. 13.

The applicant also noted the development at No. 24 Hayes Chase as setting a precedent for the current proposal. The planning history of that property is summarised:

24 Hayes Chase:

13/01195 - Planning permission refused for a two storey rear and first floor side extension with a rear dormer on the following grounds:

1. The proposal does not comply with the Council's requirement in respect of two storey development for a minimum 1 metre side space to be maintained for the full height and width of the flank elevation to the flank boundary, in the absence of which the extension would 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 Policies BE1 and H9 of the Unitary Development Plan."
2. The proposed two storey rear extension would, by reason of its excessive rearward projection, appear over dominant when viewed from Nos. 22 and 26 Hayes Chase thereby resulting in overshadowing and loss of prospect seriously detrimental to the amenities enjoyed by the residents of these properties, contrary to Policies BE1 and H8 of the Unitary Development Plan and Supplementary Planning Guidance 1 and 2."

Under 14/00917 planning permission was granted by Members of Plans Sub-Committee No. 1 for a revised scheme which incorporated a two-storey rear extension and first floor side extension. The first floor side extension included a 5m set back from the main front elevation and amended roof design. A minimum of 1m side space was retained to the flank boundary at first floor level.

No 18 Hayes Chase:

Under ref: 16/02841/FULL6 Permission was for refused for a 4m deep two-storey rear projection for the following reason:

1. The proposed first floor extension would, by reason of its excessive rearward projection and proximity to the boundary, have a significantly adverse impact on the residential amenities that the occupants of the neighbouring dwelling might reasonably expect to continue to enjoy and the visual amenities of the area resulting in a loss of prospect and undue visual impact, thereby contrary to Policies BE1, H8 and H9 of the Unitary Development Plan.

A subsequent application was submitted under 17/00030, this comprised a resubmission of a previously refused scheme, with the proportions, design and siting of the extension being as previously proposed but references were made to the built out scheme at No 24 Hayes Chase. The proposal was refused by Members at Plans Sub Committee on the 16th March 2017. The reason for refusal was as follows:

1. The proposed first floor extension would, by reason of its excessive rearward projection and proximity to the boundary, have a significantly adverse impact on the residential amenities of No. 16 Hayes Chase that the occupants of the neighbouring dwelling might reasonably expect to continue to enjoy and the visual amenities of the area resulting in a loss of prospect and undue visual impact, thereby contrary to Policies BE1, H8 and H9 of the Unitary Development Plan.

The above application was subsequently allowed at appeal under ref: APP/G5180/D/17/3173899.

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. Consideration should also be given to previous reasons for refusal.

Policy H9 states that 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.

The current proposal is a resubmission of DC/17/01007, which was refused for the reasons outlined above. The amendments to the scheme primarily include the reduction in the depth of the proposed first floor rear element by 700mm.

The application continues to propose the erection of a first floor side extension above an existing ground floor garage. This element has not changed since the previous refusal; however of material relevance is a recent appeal decision at No 18 Hayes Chase (17/00030). This also sought permission for a similar first floor side extension and rear extension, which spanned half the width of the dwelling. This application was refused by Members at Plans Sub-Committee for the reasons outlined above, but was subsequently allowed at appeal. The Inspector of that appeal (APPG5180/D/17/3173899) dated 7th August 2017 observed that 'some other houses have been extended to the side at first floor level but that extensions are set back and not prominent in the street scene'. He found that a set-back of some 4.5m from the front wall of the house would be in keeping with the character of the area. He also found that whilst the proposal did not provide a full 1m separation for the entire flank wall, due to the presence of an existing ground floor extension, the 1m provided at first floor level would, 'maintain an adequate degree of separation between the houses'. He subsequently found that there would be no undue conflict with Policy H9.

The proposed first floor side extension would be set back from the front elevation by 4.6m and would retain a pitched roof, which is 100mm greater than the 4.5m provided at No 18. Its overall width and level of setback would appear subservient in the context of the host property. Whilst previous objections were raised to this arrangement, the most recent appeal decision at No 18 is considered to be of material relevance in the determination of this application and accordingly Members may consider that would be no undue harm to the character or spatial qualities of the streetscene.

In relation to neighbouring amenity, the proposal would sit adjacent to No 18 and would wrap around the rear elevation. The rearward projection would have a maximum depth of 4m but this would reduce to 3.5m due to the existing staggered rear building line. It would be set back from the common side boundary with No 18 by approximately 1m at first floor level. There would also be a slight set back from the common boundary with No 22. The depth of the extension has been reduced by 700mm. This has lessened the bulk of the extension and it is noted a large rear projection was approved by Members at No 24 under ref: 14/00917 as outlined above.

No 18 includes a modest single-storey rear projection, however this is set away from the application property and the remainder of the rear elevation is un-extended. There are a number of windows located within the side elevation of No 18, with one first floor level and a number of ground floor levels. The ground floor windows already experience a degree of visual incursion from the existing garage and the proposal would unlikely result in harm which exceeds this established arrangement. Objections were previously raised regarding the visual impact on neighbouring residential amenities; however as noted above the over depth of the first floor element has been reduced by 700mm and of material relevance is a recent appeal decision at No 18 (outlined above). This also proposed a first floor

rear extension, which measured approximately 4m in depth beyond the rear elevation. This example did not however span the full width of the property and was set away from the boundary with No 20 by approximately 3.2m. Notwithstanding this point, objections were raised in respect of harm to neighbouring residential amenities, particularly No 16, as the development would have only been set-back from the shared boundary by 1m. This mirrors the current relationship between the proposal and No 18, albeit the current proposal is around 0.5m shorter in depth adjacent to this shared boundary. No 16 also benefits from an existing rear extension across the full width of the property, which is not the case with No 18. However, the application at No 18 was subsequently allowed at appeal. The inspector made the following observations:

'The council's reason for refusal concerns the effect of the proposed extension on the outlook of the neighbour at No 16. I saw on my visit that the ground floor of that dwelling has been extended to the rear. The proposal would extend no further back than the existing ground floor rear extension to the appeal property which is close to the rear of the neighbour's extension. It is unlikely that the proposal would have any significant effect on the outlook from the neighbour's rear ground floor windows

At first floor level the proposal would project 4m to the rear of the existing dwelling and a similar distance in respect of the adjacent dwelling. The extension would however be separated from its neighbour by about 2m and the nearest rear window in the adjacent property at first floor level is set further away than this, any view of the extension from the neighbour's window would be at an oblique angle. Taking into account the separation distance, I find that the neighbour's outlook would not be unduly harmed'.

In this case, the application property already benefits from a large single-storey rear extension, which has resulted in some visual incursion to the rear ground floor windows of No 18. There is also a degree of enclosure to these windows from a single-storey rear projection located along the shared boundary between No 16 & 18. The proposed first floor rear extension would be set back from the shared boundary by 1m, there is approximately a further 0.8m set back on the neighbouring side and the ground/upper floor windows are also approximately 0.8m further away from the flank elevation. The applicant has also submitted a shadow study in support of the proposal, which demonstrates that there is already some overshadowing from the existing dwelling and the development would not result in a harm which is significantly greater than the established arrangement. The views of the extension from the upper windows of No 18 would also be from an oblique angle. Furthermore, the Inspector observed that the rear gardens are quite spacious and that the scale of the rear development at No 18 would not be unduly dominant or oppressive in this context. This is a finely balanced case, but the primary impact would be on the rear ground floor windows; however the development has been reduced in depth adjacent to this property. In light of the above, Members may consider that the proposal is on balance acceptable, has overcome previous objections and would not result in material harm to neighbouring residential amenities.

The proposed would be set within the close proximity with the common boundary with No 22. The proposal would extend around 4m beyond the rear of this property,

which is located to the south east. The overall depth and scale of the proposal would be highly visible; however the visual impact for No 22 is partially mitigated by the existing single-storey garage structure located immediately adjacent to the proposed development site. The orientation of the development in relation to this neighbour would prevent any significant loss of light or overshadowing, which is further supported by a shadow study supplied by the applicant.

One window is proposed within the first floor south east elevation; however this would serve a bathroom and can be condition to be obscured glazed and non-opening below 1.7m in order to protect neighbouring privacy. A number of other ground floor windows within the side elevations would be modified, however these are annotated as being obscured. The design and fenestration arrangement of the remaining windows would unlikely result in overlooking or a loss of privacy beyond the established situation

In summary Members may consider that the proposal would not result in unacceptable harm to the character and appearance of the property and spatial qualities of the area in general. Furthermore, they may consider that the reduction in depth and recent appeal decision at No 18 are material considerations, which have satisfactorily addressed previous reasons for refusal and any harm to neighbouring residential amenities would be on balance acceptable.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/01007/FULL6 & 17/03284/FULL6 outlined in the Planning History section above, excluding exempt information.

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 upper floor of the west facing 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