

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

**Application No :** 17/03082/FULL6

**Ward:**  
**Kelsey And Eden Park**

**Address :** 38 Aviemore Way Beckenham BR3 3RR

**OS Grid Ref:** E: 536199 N: 167662

**Applicant :** Mr Anjum Chaudhry

**Objections :** YES

### **Description of Development:**

Single storey rear extension and decking  
PART RETROSPECTIVE

Key designations:

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

### **Proposal**

Planning permission is sought for a single storey rear extension and associated decking. The proposal as submitted has a depth of 6m, a width of 5.4m and a height of 3m. The development is substantially complete and the application is retrospective. The development commenced under a previously approved householder 'prior approval' application for a larger home extension, however the development was not constructed in accordance with that approval.

The application site is a two storey mid-terrace property located on the south-west side of Aviemore Way, Beckenham.

### **Consultations**

Nearby owners/occupiers were notified of the application and representations were received from the neighbouring properties to either side of the application site which can be summarised as follows:

- The existing extension has led to a loss of light to my patio area and rear rooms
- The development is out of scale when compared to the existing property, my property and other properties
- the proposal has led to a visual impact
- The extension is blocking out the light to my kitchen and dining room making everything dark and gloomy
- It is too big for such a small garden and house is encumbering on the properties either side of it

- What has been built so far is a lot higher than 3 metres and is also trespassing on to my property
- During the construction period my garage was damaged by a digger and the residents have not rectified this problem even though they said they would
- I believe that further work would cause a great amount of disruption along the access road and cause a lot of mess and inconvenience

## **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. 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.

## **Planning History**

15/02376/HHPA-Single storey rear extension, extending beyond the rear wall of the original house by 6m, for which the maximum height would be 2.5m, and for which the height of the eaves would be 2.5m. (42 Day Notification for Householder Permitted Development Prior Approval)- Prior Approval Not Required- Date issued- 20.07.2015

- Approval was granted for this householder prior approval application on the basis that no objections were received. In those circumstances (no objections received for a householder prior approval) the Local Planning Authority is unable to consider the merits of the proposal and approval is automatically granted in accordance with the legislation.

17/01814/HHPA-Single storey rear extension, extending beyond the rear wall of the original house by 6m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m. (42 Day Notification for Householder Permitted Development Prior Approval)-Proposal Not Permitted Development- Date issued- 10.05.2017

- This subsequent prior approval application was refused as the proposal had commenced and therefore could not be permitted development - this resulted in the submission of the current application. The planning merits of the proposed extension were not considered.

## **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.

Prior Approval was granted under reference: 15/02376/HHPA for a single storey rear extension with a depth of 6m, with a maximum height of 2.5m on the basis that no objections were received at that time (2015). Whilst the Council was unable to consider the merits of this proposal (as it was a householder prior approval and no objections were received) it nevertheless resulted in an approval for an extension of the same depth as the current proposal, although 0.5m lower. The rear extension has been constructed with a height of 3m as opposed to 2.5m and retrospective planning permission is now being sought for the structure as it is not permitted by the previous prior approval, being materially different. The previous approval is a material planning consideration in the determination of this application, however it should be noted that the extension was not able to be assessed on its merits in relation to that approval.

## 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. Similarly, policies BE1 and H8 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. 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.

The proposed rear extension is not anticipated to have a detrimental impact on the character of the surrounding area. The extension would be sited to the rear of the host dwelling, well-screened from public vantage points, set into the gradient of the site. Furthermore, the materials for the external surfaces of the building would complement those of the host dwelling, compliant with the Policy Objectives of the UDP, London Plan and NPPF.

## Impact on Residential Amenity

It is considered that the main concern is the impact the proposal will have to both adjoining neighbouring properties. 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.

The occupiers of both neighbouring properties at No.36 and 40 have raised objections to the development. It is clear that the development does have a significant impact on the amenities of adjoining neighbouring properties, by way of outlook, visual amenity and the reduction of sun/daylight, due to the significant scale, bulk and depth of the development.

Whilst the granted Prior Approval application (ref: 15/02376/HHPA) is a significant material consideration in the assessment of this application in that a 6 metre extension projecting along both adjoining boundary lines could be constructed, albeit with roof level of 2.5m, this is not what has been constructed at the site. Furthermore that decision to approve did not involve an assessment of the merits of the proposal, in particular the potential for harm to neighbouring properties. It is considered that there is harm caused to both neighbouring dwellings by reason of the height and depth of the extension, contrary to Policy BE1 of the Unitary Development Plan.

## Summary

Members are asked to consider whether the proposal does cause such harm as to warrant refusal of the application. Although an approval does exist for a similar but lower extension, this proposal is considered to cause harm, and in light of the height and depth of the rear extension, it is recommended that permission be refused.

Members will also wish to consider the expediency of enforcement action should the application be refused, and are advised that it would potentially be reasonable to require the extension to be lowered to the approved external height of 2.5m as opposed to its complete removal, given the existence of the previous approval for that form of development.

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

**The reasons for refusal are:**

- 1. The proposed extension, by reason of its height and depth, is harmful to the amenities of neighbouring properties to either side of the site, by reason of visual impact, loss of outlook and loss of light, therefore contrary to Policies BE1 and H8 of the Unitary Development Plan.**