

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

**Application No :** 17/03938/FULL1

**Ward:**  
Hayes And Coney Hall

**Address :** 14 Kechill Gardens Hayes Bromley BR2  
7NQ

**OS Grid Ref:** E: 540375 N: 166607

**Applicant :** Guy Pleasance

**Objections :** YES

**Description of Development:**

Single storey rear extension.

Key designations:

Biggin Hill Safeguarding Area  
Smoke Control SCA 51

**Proposal**

The application seeks planning permission for a proposed single storey rear extension.

The proposed extension will have a width of 8.8m and a height of 2.45m to the eaves, with an overall height of 3.5m to the pitched roof.

The depth along the eastern flank elevation will be 4m, the extension will project 3.9m along the adjoining boundary and angle away by 45 degrees extending to a depth of 4.9m. The height of the proposal will be 2.45m to the eaves level and 3.75m to the pitched roof.

The application site is a two storey semi-detached property located on the south side of Kechill Gardens, Hayes.

**Consultations**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o The excessive rearward projection and close proximity to the boundary between the two properties, would cause a serious erosion of the outlook and prospect of my property
- o The development would create a sense of enclosure
- o Loss of daylight
- o Overshadowing

o The proposed modification to the previously refused planning, fail to significantly mitigate the serious erosion of outlook and prospect of my property

### **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.

Draft Policy 6 Residential Extensions

Draft Policy 37 General Design of Development

## Planning History

00/02425/FULL1-Two storey side extension- Application Permitted- Date issued- 04.10.2000

04/01796/FULL6-Gable end and rear dormers incorporating rear balcony- Application Refused- Date issued-12.07.2004

15/02151/FULL6-Roof alterations to incorporate rear dormers with juliet balcony and single storey rear extension- Application Permitted- Date issued-02.09.2015

17/00472/FULL1-Single storey rear extension.-Application Refused- Date issued- 18.04.2017 Reasons for refusal:

*“The proposed extension would, by reason of its excessive rearward projection, have a seriously detrimental effect on the outlook and prospect which the occupants of the adjoining dwelling might reasonably expect to be able to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.”*

## 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.

Members should be aware of the past planning history on the site. Planning permission was previously granted under planning reference: 15/02151/FULL6 for roof alterations and a single storey rear extension with a depth of 3.8m extending along the adjoining boundary.

The refused application under reference: 17/00472/FULL1 sought to increase the depth of the single storey rear extension to 4.9m, which was refused by the Council and subsequently dismissed on appeal. It was considered by the Council and the Planning Inspector that the excessive rearward projection of 4.9m and height of 3.75m along the adjoining boundary would give rise to a significant loss of amenity to the adjoining neighbouring property at No.12. To address the previous refusal grounds the applicant has reduced the height of the proposal by 0.275m and angled the extension away by 45 degrees beyond 3.9m to 4.9m.

## 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.

Consistent with the previous application the proposed rear extension is not anticipated to have a detrimental impact on the character of the surrounding area. The rear 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**

The main consideration in the assessment of this planning application is the impact the proposal will have to the amenities of the adjoining neighbouring property at No.12. 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 Policy 7.6 of the London Plan.

As outlined above, planning permission was previously granted for a 3.8m extension along the adjoining boundary. It was considered previously that the increase in depth along the adjoining boundary of 4.9m represented a significant material difference from the previously permitted application. By constructing a development of this scale along the boundary line would create an overbearing sense of enclosure to the rear window serving the living room of the neighbouring property, leading to a significant loss of visual harm by reason of loss of outlook and prospect.

Additionally, the Planning Inspectorate considered that the height of the extension and depth at 4.9m deep along the shared boundary 'would be of quite a significant depth which I note is greater than that previously approved. By virtue of its height and depth, I consider that the proposal would give rise to a serious erosion of the outlook from the French doors serving the dining room of no12'.

The revised proposal seeks to reduce the extension to 3.9m along the shared boundary and then angle the extension away by approximately 45 degrees to its full length of 4.9m. The other notably amendment is the reduction of the roof height from 3.75m to 3.5m. Whilst it is considered that the proposal will lead to a loss of outlook and prospect to the adjoining occupier, this has already been established by the grant of permission under reference: 15/02151/FULL1. It is considered that the layout of the extension by angling away the additional 1 metre and reducing the extension in height would create a satisfactory relationship between the two properties. Therefore, it is considered on balance, that the revised proposal would

not cause any undue harm above that of the permitted single storey rear extension granted under 15/02151/FULL1.

Nevertheless, Members must consider whether the amendments made to the scale and layout of the proposed extension would merit a grant of permission and mitigate the additional impact on the adjoining neighbouring property at No.12.

### **Summary**

Taking into account the above, Members may therefore consider that the development in the manner proposed is acceptable. It is considered that the revised scale, layout and design of the proposal has overcome the refusal grounds from the previous application and would not cause any undue harm above that of the permitted single storey rear extension under planning reference: 15/02151/FULL1.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/03938 and any other applications on the site set out 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.**