

SECTION '2' – Applications meriting special consideration

Application No : 17/04181/FULL1

Ward:
Copers Cope

Address : 127 The Drive Beckenham BR3 1EF

OS Grid Ref: E: 537254 N: 169805

Applicant : Mr James Stopher

Objections : YES

Description of Development:

Single storey rear extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 12

Proposal

The application seeks planning permission for a single storey rear extension measuring 4.5m in depth. The extension will abut the boundary with shared no. 125 and be set 0.1m in from the boundary shared with no. 129. It will have a mono-pitched roof sloping down to the rear from a maximum height of 3.6m to an eaves height of 2.6m

One window and one set of three bi-fold patio doors are proposed in the rear elevation with two flat rooflights within the pitched roof. The materials are indicated to be brick and tiles to match the existing dwelling with windows also stated to match the existing dwelling.

Location and Key Constraints

The property is a mid-terrace property located on the western side of The Drive, Beckenham. The property is not listed and does not lie within any area of special designation.

Consultations

Nearby owners/occupiers were notified of the application and one letter of objection from the occupier of no. 129 and two letters of support from the occupiers of no. 125 were received which can be summarised as follows:

Objection

- o The length of the extension is the same as the decking at no. 129 and the height is about 2.5m sloping down from about 3.5m meaning that the decking will be in the shade most of the time
- o No. 129 dining room patio doors/windows are located less than 1m from the boundary wall of the extension and so there will be an impact on light to this room and to the outlook
- o The extension will significantly affect the amenity and enjoyment of no. 129.

Support

- o The extension now incorporates a pitched roof and will not impact on no. 129 as it equivalent and aligned to the existing height of party fencing so the shadowing impact would be negligible
- o No. 125 has been granted planning permission for a single storey rear extension and want to begin constructing in the next 6 months
- o No. 125 have agreed to a party wall with no. 127
- o There is a precedent along The Drive
- o A certain amount of transitory sunlight is blocked in gardens throughout the day due to the existing houses
- o The extension would not block additional sunlight to neighbours as it is comparable to the existing height of party fencing and extension
- o The windows are only sited towards the rear and would not impose on privacy
- o The extension is sympathetic

Comments from Consultees

There were no internal or external consultees for this application.

Planning Considerations

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o 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
- o 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 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.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

7.4 Local character

7.6 Architecture

Unitary Development Plan

H8 Residential extensions

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows;

Under ref: 15/00254/PLUD, a Lawful Development Certificate was granted for a loft conversion with rear dormer and front roof lights.

Under ref: 16/01772/FULL6, planning permission was refused for a single storey rear extension measuring 4.5m in depth and 3.5m in height. It was refused for the following reason;

"The proposed extension, by reason of its excessive rearward projection, height and proximity to the adjoining boundary with no. 129, would give rise to a significantly harmful impact to the residential amenities that the occupiers of this neighbouring property would reasonably expect to enjoy, by way of loss of daylight and sunlight, loss of outlook and overshadowing, thereby contrary to Policy BE1 of the Unitary Development Plan."

Under ref: 17/01491/FULL6, planning permission was refused for a single storey rear extension measuring 4m in depth and 3m in height. It was refused for the following reason;

"The cumulative impact of the depth, height and proximity to the adjoining boundary with no. 129 of the proposed extension, would give rise to a significantly harmful impact to the residential amenities that the occupiers of this neighbouring property would reasonably expect to enjoy, by way of loss of daylight and sunlight, loss of outlook and overshadowing, thereby contrary to Policy BE1 of the Unitary Development Plan."

Conclusions

The main issues to be considered in respect of this application are:

- o Design and Scale
- o Impact on Neighbouring amenity

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. In particular Policy 7.4 of the London Plan seeks that buildings should provide a high quality design that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and contributes positively to the character of the area.

Policies H8 and BE1 of the UDP and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. In addition, Policy H10 relates specifically to proposals within ASRC's and seeks that all development respects and complements the established and individual qualities of the individual areas.

Policy BE1 of the UDP also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. This is supported by Policy 7.6 of the London Plan and paragraph 17 of the NPPF.

The Council's records show that a number of properties in the road have been extended at single storey to the rear and as such the principle of a rear extension at ground floor may be acceptable. However, this is subject to the size, mass, scale and form proposed and the subsequent impact upon the amenities, outlook and privacy of neighbouring residents, the character of the area and of the host dwelling.

The application follows two refusals under ref: 16/01772/FULL6 and 17/01491/FULL6, both for a single storey rear extension at the property, which have been summarised in the Planning History section above.

This current application proposes a 4.5m deep rear extension which will have a mono-pitched roof with a maximum height of 3.6m and eaves height of 2.6m. The proposed extension has been designed to match the depth, height and design of the extension granted under ref: 15/02192/FULL6 at no. 125. It is noted that this extension has not yet been constructed, but this neighbouring dwelling does currently benefit from an existing rear conservatory.

The neighbouring property to the north at no. 129 has not been extended to the rear. Concerns have been raised by the occupiers of this neighbouring dwelling with regards to the impact on both light and outlook to their rear patio doors/windows and decking.

Unlike the previously refused applications at no. 127 which both proposed flat roof extensions, this current application has been designed with a pitched roof. As such, whilst the extension will project a substantial 4.5m in depth, the roof will slope down towards the rear to an eaves height of only 2.6m helping to reduce both the impact to no. 129.

Taking into account the revised height and roof design of this proposal and that the extension now proposed will be the same as that permitted under ref: 15/02192/FULL6 at the neighbouring dwelling of no. 125, Members may consider that, on balance, the proposed extension is acceptable.

Background papers referred to during production of this report comprise all correspondence 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.