

SECTION '2' – Applications meriting special consideration

Application No : 17/03930/FULL1

Ward:
Hayes And Coney Hall

Address : 53 Kechill Gardens Hayes Bromley BR2
7NB

OS Grid Ref: E: 540392 N: 167128

Applicant : Mr Paul Nevard

Objections : YES

Description of Development:

Erection of one, 4-bed attached dwelling (amendments to planning permission reference 16/01129 (allowed at appeal) to include amendment to roofline, additional single storey rear extension and loft conversion) to 53 Kechill Gardens Hayes Bromley BR2 7NB

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
River Centre Line
Smoke Control SCA 51

Proposal

The site is a semi-detached two storey dwelling house located to the northern end (cul-de-sac) and on the west side of Kechill Gardens. The immediate vicinity comprises a mix of semi-detached two storey and bungalow development.

The application proposes the erection of one, 4-bed attached dwelling (amendments to planning permission reference 16/01129 (allowed at appeal) to include amendment to roofline, additional single storey rear extension and loft conversion).

A Design and Access statement supports the application and highlights that the application proposes amendments to planning permission 16/01129 which include a single storey rear extension, remove a side window, introduced a partial hip to allow for a rear dormer and use of the roof space as accommodation. The statement highlights that the planning inspector did not consider that permitted development rights should be removed.

Consultations

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

- o Out of character
- o Over-development; cramped
- o Too many windows - overlooking
- o Very different from original application
- o Disagree with Inspectorates decision - should judicial review
- o Covenant - only one dwelling per plot
- o Garage to rear will impact on privacy and security
- o Details required for previous permission have been overlooked
- o Scope creep on already contentious over development
- o Garden grabbing
- o Parking problems
- o Should be read in conjunction with development at No 55

Planning Considerations

The application falls to be determined in accordance with the NPPF and the following policies of the Unitary Development Plan and London Plan

- o BE1 Design of New Development
- o H1 Housing Supply
- o H7 Housing Density and Design
- o H9 Side Space
- o T1 Transport Demand
- o T3 Parking
- o T5 Access for people with restricted mobility
- o T7 Cyclists
- o T16 Traffic management and sensitive environments
- o T18 Road Safety
- o IMP1 Planning Obligations

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration.

SPG No.1 - General Design Principles

SPG No.2 - Residential Design Guidance

London Plan

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable Design and Construction.
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water use and supplies
- 6.9 Cycling
- 6.13 Parking
- 7.2 An Inclusive Environment.
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture

Adoption of Minor Alterations to London Plan (MALP) and Housing SPG (2016)

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. Relevant policies to this proposal would include:

Draft policies relevant to this scheme comprise:

- | | |
|-----------|-------------------------------|
| Policy 37 | General Design of Development |
| Policy 1 | Housing Supply |
| Policy 4 | Housing Design |

Policy 8	Side Space
Policy 99	Residential Accommodation
Policy 30	Parking
Policy 33	Access for All
Policy 32	Road Safety

Planning History

There is a significant planning history which includes the following:

12/02589 - Part one/two storey side and rear extension - Permission

The side space to the southern boundary indicated on the plans the subject of this planning permission show 4.05m to the front tapering down to c 3.7m to the rear. The single storey rear element proposed a 3.5m rearward projection.

12/03353 - Two storey detached dwelling house. Planning permission was refused on the grounds that the proposal represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan. The subsequent appeal against the refusal of planning permission was dismissed

13/00228 - Demolition of two storey extension and erection of two storey detached dwelling together with associated work to provide off street parking. Planning permission was refused on the grounds that the proposal would have represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan. An appeal against the Council's decision to refuse planning permission was dismissed.

13/03420 - Erection of two storey dwelling with garage and additional attached garage to serve 53 Kechill Gardens on land adjacent 53 Kechill Gardens. Permission was refused on the grounds that the proposal would have represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policies BE1 and H9 of the Unitary Development Plan and Policy 7.4 of the London Plan. A subsequent appeal against the Council's refusal was dismissed.

Under reference 14/02617 planning permission was refused and dismissed on appeal for the erection of an attached two storey 3 bedroom dwelling, with extensions and alterations. The Inspector found that the bulk of the extensions proposed, with the exception of a single storey garage, would have been very similar to that permitted under ref. 12/02589.

Planning application reference 15/03041 for part one/ two storey side and rear extension was granted permission subject to conditions.

Most recently and most relevant to the current application is application reference 16/01129 for the Erection of one x two storey, 3-bed attached dwelling and alterations to 53 Kechill Gardens which was allowed on appeal.

Conclusions

Given the planning history and the extant permission the main issues relating to the application are the effect that the extended scheme 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.

The appeal decision is noted wherein the planning inspector found that the development would not harm the character and appearance of the area and further considered there to

be '...no substantive evidence before me, which suggests that exceptional circumstances exist to justify the removal of permitted development rights; hence I have not imposed a condition to this effect...'

This is important to note because consideration needs to be given to the applicant's fall back position in the event that the development as already permitted is built out. Permitted development rights do allow for the type of development now proposed by amended plans and the likelihood of permitted development rights being exercised are considerable.

When considering the impact on residential amenity local objections are noted in respect of concern with overlooking and impact on privacy. However, dormer windows are not an uncommon feature in the vicinity and the extent of overlooking that may arise is generally not considered to be so un-neighbourly in a suburban area such as this.

In respect of concerns re overdevelopment there will remain a minimum of 3m sidespace (4m to the front) and given the single storey extension to No 53 it is not considered that there will be any significant undue impact on neighbouring amenity regarding the single storey rear element either. However, in view of the extent of the development that could be built in the event of a planning permission to these amended plans it would be considered appropriate to consider restriction of permitted development rights (Class A) given the proposed rear building line.

Local concerns are raised in that no consideration has been given to the detail of the application as required by the appeal decision. Similar planning conditions are relevant in the event of a planning permission.

Neighbour comments suggest that the proposal should be read in the light of development at No 55. Application reference 17/04606 is currently lodged with the Council for consideration: "Amendments to planning permission ref. 17/00382/FULL1 allowed on appeal for the erection of a 2 storey three bedroom end of terrace dwellinghouse to allow additional formation of hip to gable roof extension with rear dormer and single storey rear extension". The two separate applications at No 53 and No 55 will effectively create a terrace of four dwellings. However the planning history to each means that they are standalone applications; additionally neither have been built, as yet.

This site has a considerable planning history and the level of local concern is noted. However, when assessed in the light of the appeal decision and the permitted development fall-back position, Members may consider that the scheme as now proposed, subject to the restriction of permitted development rights, may not be unacceptable.

In the event of a planning permission it should be noted that this proposal is potentially CIL liable.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 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.

4 **Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

5 **Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the adopted Unitary Development Plan and in the interest of neighbouring amenity and the visual amenities of the area

- 7** Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.