

SECTION '2' – Applications meriting special consideration

Application No : 17/03586/FULL6

Ward:
Hayes And Coney Hall

Address : 39 Gates Green Road West Wickham
BR4 9DE

OS Grid Ref: E: 539917 N: 165022

Applicant : Mr & Mrs Yusuf

Objections : YES

Description of Development:

Construction of rear dormer extension to existing dwelling.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 51

Proposal

This application seeks planning permission relating to the rear dormer as built. It seeks to modify and regularise on-site development. The scheme proposes to reduce the height of the existing dormer parapet by 200mm and to over clad the 'as built render' in tile hanging to match the main roof.

Location and Key Constraints

The site is a two storey semi-detached dwelling house located on the north side of Gates Green Road, within a residential area. The properties to the rear of the site are in an elevated position and there is an open aspect between the application site through to the rear of the dwellings in Harvest Bank Road.

Comments from Local Residents and Groups

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

Objections

- The proposed drawings include the air conditioning units which are said to not be part of the application; so these must be removed and the proposed drawings resubmitted. To do otherwise might lead to the claim that all development on the drawings has been considered.

- The existing roof extension has been erected without planning permission. This was a clear attempt to "get round" planning restrictions which had previously lead to over large extensions being refused. The permitted scheme has pushed what is acceptable to the extreme anything beyond this should not be granted planning permission for the same reasons which have been previously used, and which have been upheld by the Secretary of State at appeal.
- a number of built structures have been placed in the front garden which appear to exceed 1m in height and intrude into the general street scene. Will planning permission be sought for these?
- Overdevelopment
- Out of scale

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:

- 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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. 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

14/00203 - Roof alterations to incorporate rear dormer, two storey front/side and single storey rear extensions, canopy to front, elevational alterations, associated landscaping and patio to rear. REFUSED

The refusal grounds were:

Due to its scale and siting, the extension would appear as an unacceptably dominant structure from the garden of No 37, harmful to existing amenity and contrary to Policies BE1 and H8 of the Unitary Development Plan.

The proposed materials and fenestration design indicated on the submitted drawings would be out of character with and detrimental to the visual amenities of the area thereby contrary to Policies H8 and BE1 of Bromley's Unitary Development Plan.

14/04129 - roof alterations to incorporate rear dormer, two storey front/side and single storey rear extensions, canopy to front,, elevational alterations, associated landscaping, patio to rear. APPROVED

15/01102 - revisions to the plans approved under 14/04129 were granted permission.

16/01214 was a retrospective application and proposed revisions to planning permission reference 15/01102/VAR for roof alterations to incorporate rear dormer, two storey front/side and single storey rear extensions, canopy to front, elevational alterations, associated landscaping and patio to rear. The revisions included for the provision of a parapet wall to the east flank, the installation of air conditioning units, increased size of rear dormer and variation of materials to those previously advised.

This was refused for the following reasons:

The roof extension by way of the size of the rear dormer and materials used results in an over-dominant addition and has a detrimental impact on the visual proportions of the host property and the character of the area generally thereby contrary to Policies BE1 and H8 of the Unitary Development Plan and London Plan Policy 7.4.

In the absence of any detailed noise assessment the air conditioning units are likely to be detrimental to the amenities that nearby residents might reasonably expect to be able to continue to enjoy by reason of noise thereby contrary to Policy BE1 of the Unitary Development Plan.

This application was also dismissed at appeal with the Inspector finding that '... due to its size and finish it has an incongruous and bulky appearance that is out of keeping with both the host property and the surrounding area...'. Under other matters the Inspector referred to a noise assessment that had been provided (subsequent to the Council's decision) and was satisfied that the matter could be dealt with by way of condition. The Inspector also found that any additional impact from the rear windows was not significant in that case and in respect of the rear canopy, that the additional impact was not unacceptable.

Considerations

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

- Design

Design

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.

The works as built include the rear dormer which was not built in accordance with the approved plans. As noted in the planning history the planning inspector found the dormer element as built of '... incongruous and bulky appearance...' and concluded that the development unacceptably harms the character and appearance of the host property and surrounding area. As a response this application has been submitted which proposes to reduce the height by 200mm and over clad the rendered finish with tile hanging to match the main roof.

Photographs are available on file which demonstrates the limited visual impact of the dormer from the front street scene. The rear of the site has an open aspect through to the rear of dwellings in Harvest Bank Road. The proposed height will be lower than that refused under application reference 16/01214 and higher than that which had the benefit of planning permission. It is considered that to reduce the height and to use tile hanging to match the main roof will be sufficient to reduce the visual impact of the dormer to result in development which will sit more comfortably with the host dwelling and surrounding area.

Other Matters

Local concerns are raised in respect of the inclusion of air conditioning units to the plans; a refusal ground was attached to planning application ref 16/01214. A noise assessment was submitted as part of the appeal and as a consequence the Council stated that it no longer wished to pursue that reason for refusal. The appeal decision did note that the matter could be dealt with by condition. This matter therefore is still outstanding and the application specifically states that it relates only to the rear dormer.

Local comments are raised in respect of structures over 1m in height to the front of the site. These are not part of this planning application and it will be for Members to consider the expediency of any planning investigation into this. Given the scale, design and appearance Members may consider that the boundary treatment sits comfortably within the street scene and it would not be expedient to authorise planning enforcement in respect of this matter. Photographs are available on file.

It is also understood that the return elevation to the single storey extension has been left unfinished; verbal representations have been made both by the adjoining occupiers and the applicants. This matter also sits outside of the remit of this specific planning application. Whilst it is understood that the structure is finished to satisfy Building Regulation requirements it is hoped that the two parties at No 39 and No 41 Gates Green Road would come to a satisfactory agreement which allows access for the flank wall to be finished in accordance with the external materials agreed as part of the planning permission. The end of May 2018 may not be an unreasonable time scale for the works to be completed; further consideration can be given as to the expediency of enforcement action if works remain outstanding at that time.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would result in sufficient improvement to the existing unauthorised structure so as to not impact to such detriment on both the host property and character of the area to raise a planning ground of refusal.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 Works to amend the existing, unauthorised dormer shall be carried out strictly in accordance with the plans approved under this planning permission, unless previously agreed in writing by or on behalf of the Local Planning Authority, and shall be carried out and completed by 30th September 2018.**

Reason: In order to comply with Policies H8 and BE1 of the adopted Unitary Development Plan, Policies 6 and 37 of the Draft Local Plan and Policies 7.4 and 7.6 of the London Plan.