

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

Application No : 18/01466/FULL6

Ward:
West Wickham

Address : 8 Hayes Chase West Wickham BR4 0HZ

OS Grid Ref: E: 539270 N: 167660

Applicant : Mr James Butler

Objections : YES

Description of Development:

Part one/two storey front/side/rear extension, elevational alterations and demolition of rear garage

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 2

Proposal

The application seeks planning permission for a part one/two storey side and part one/two storey rear extension. The single storey extension would wrap around the existing northern rear corner of the dwelling, being sited within the existing side vehicular access leading to the detached rear garage (to be demolished) and being for the full width of the rear elevation of the dwelling, lying adjacent to the flank boundary with No. 6 and aligning with the existing side elevation of the dwelling 1m from the boundary with No. 10. A mock pitched roof would be provided above the single storey side extension and a flat roof would be provided above the single storey rear extension.

First floor elements are proposed to the side and rear. The side extension would be 1.55m wide, set back from the main front elevation by 4.55m. The extension would incorporate a pitched roof with a side hip and a subservient ridgeline. The extension to the rear would be 4.5m deep where it would be 1m from the boundary with No. 10, aligning with the main south western flank elevation. The extension would be 4m deep on the northern side where the flank first floor elevation would be sited 4.15m from the boundary with No. 6.

Location and Key Constraints

The application site comprises a two storey detached dwelling with a detached garage positioned to the rear/side of the host dwelling adjacent to the boundary with No. 6. The site lies on the north western side of Hayes Chase and benefits from off-street parking and a large rear garden. The host dwelling at present is

separated from the side boundary with No. 6 by the width of the driveway leading to the rear garage (approx. 2.55m).

The site lies adjacent to (at the end of the rear garden) an Area of Special Residential Character. The rearmost section of the garden is covered by an Area TPO.

Comments from Local Residents and Groups

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

Objections

- The other extensions to properties in Hayes Chase are not comparable and each case should be considered on its merits with particular reference to the impact on adjacent properties
- The plot sizes at 6, 8, and 10 Hayes Chase are smaller/narrower than many other plots for detached dwellings in Hayes Chase which would magnify the impact of an overly large and overbearing structure
- The proposal would extend the property's existing depth on two storeys by approx. 50%. The proposal would be unduly dominant and overbearing
- Degradation of the outlook from 6 and 10
- Sunlight would be restricted to the rear of 6 Hayes Chase, particularly taking into account the north facing aspect of the rear gardens on this side of the street
- Would appear out of place with adjacent properties
- Noise and privacy issues associated with the rear doors and the flank ground floor WC window
- Impact on the most useable part of the adjacent rear garden (at immediate rear of the dwelling)
- Risk of a terracing effect associated with the size and scale of the side element of the proposal
- Lack of consultation with neighbours
- On-going appeal against the previous refusal.

The applicant's agent responded to the comments received, stating that the objection received in respect of the previous application stated that the proposal would be less objectionable if the two storey element of the rear extension was pushed away from the boundary with No. 6 towards the other side of the property. The resultant size of the property would be commensurate with others in the road and the side extension would not look out of character with similar additions to properties in the street.

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 makers 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

H9 Side space

T3 Parking

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

8 Side Space

30 Parking

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

Application Number	Description	Decision
15/01545/FULL6	Single storey front/side/rear extension	PERMISSION
15/01570/PLUD	Loft conversion incorporating two hip to gable roof extensions, rear dormer and front roof light	CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT GRANTED
16/05509/FULL6	Roof alterations to incorporate rear dormer extension and roof light to front, part one/two storey front, side and rear extension and front porch.	REFUSED

1. *The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, incongruous and overbearing in relation to the host dwelling and conducive to a retrograde lowering of the spatial standards to which the area is at present developed, contrary to Policies H9, H8 and BE1 of the Unitary Development Plan.*

2. *The proposed first floor side and rear extension would be visually unrelated to the existing building by reason of its flat roof design and would be detrimental to the appearance of the dwelling and the street scene in general, thereby contrary to Policies BE1 and H8 of the Unitary Development Plan.*

3. *The proposal by reason of the height, depth and siting of the extension in close proximity to the boundary would have a detrimental impact on the residential amenities that the occupiers of No. 6 Hayes Chase might reasonably expect to continue to enjoy, appearing overdominant and resulting in loss of outlook thereby contrary to Policies BE1 and H8 of the Unitary Development Plan.*

17/04621/FULL6 Part one/ two storey side/rear extension and demolition of rear garage - REFUSED

1 *The proposal by reason of the height, depth and siting of the extension in close proximity to the boundary would have a detrimental impact on the residential amenities that the occupiers of No. 6 Hayes Chase might reasonably expect to continue to enjoy, appearing overdominant and resulting in loss of outlook thereby*

contrary to Policies BE1 and H9 of the Unitary Development Plan and Policies 37 and 8 of the draft Local Plan.

An appeal against this refusal of planning permission was dismissed. The Inspector found that the height, depth and proximity to the boundary of the proposed two storey extension would have resulted in a tunnelling effect with an existing extension at No. 6. It was noted that the proposed first floor extension would be set back from the front of the property by some margin, the gap to the boundary with No. 6 would not be as wide as the existing driveway that would have been partly built upon. "In view of the modest separation between habitable room windows of No. 6 and the proposed two storey extension, its height and depth would have a significant impact on the outlook from that property. In particular, the height and depth of the extension would appear unduly dominant when viewed from the rear facing patio doors and the adjacent garden area of No.6. This would create an oppressive sense of enclosure for occupants of that property."

Considerations

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

- Resubmission
- Design
- Neighbouring amenity
- CIL

Resubmission

This application has been submitted following the most recent refusal of planning permission under reference 17/04621/FULL6.

The current scheme differs from that which was refused in the following respects:

- Separation between two storey rear extension and the boundary with No. 6 increased from 1m to 4.15m
- Separation between the two storey rear extension and the boundary with No. 10 decreased from 4.5m to 1m (aligning with existing two storey flank elevation on that side of the property)
- Formation of two first floor flank facing windows in the western elevation of the existing dwelling facing No. 10 (annotated as obscure glazed)
- Deletion of two first floor flank facing WC windows in the elevation facing No. 6.

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.

Hayes Chase is characterised by detached dwellings sited in reasonably wide plots. Many houses have been extended to the side to replace the former detached garages and some have been the subject of first floor extensions. In general, the impression of spaciousness in the immediate locality has been protected by the retention of gaps at first floor level which afford views between the dwellings to the protected trees at the rear.

The first floor side extension would, for a short proportion of its depth (approx. 1.75m from a point approx. 4.5m from the main front elevation) lie above a ground floor element adjacent to the boundary below. In view of the set back from the main front elevation, the retention of space at first floor level and the design of the extension to include a subservient pitched roof it is not considered that this would have a detrimental impact on the visual amenity of the street scene.

Policy H9 refers to the desirability of retaining space about buildings to safeguard the amenity of neighbouring residents, to prevent a cramped appearance and to avoid unrelated terracing. The proposed side element of the extension would be consistent with other extensions granted planning permission in the locality in terms of the set back from the front elevation, the provision of a pitched roof and the retention of space at first floor level to the party boundary. Planning permission was refused under reference 17/04621/FULL1 for a development with a similar relationship to the boundary at the side as that currently proposed on grounds solely relating to the impact on residential amenity - with it being assessed that the proposal would have an acceptable impact on the visual amenity and spatial standards of the area. With regards to the impact of the rear extensions on the visual amenities of the area, it is noted that a number of dwellings in the locality have been extended at the rear, and in view of the limited wider visibility of this part of the development from the street scene it is not considered that the part one/two storey rear extension would be out of character with surrounding development or the area generally.

Neighbouring amenity

Policy BE1 of the UDP 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.

Concern has been expressed regarding the impact of the proposal on the amenities of the occupants of No. 6 Hayes Chase. Planning permission was refused under reference 17/04621/FULL6 for the construction of a part one/two storey extension at the rear of the property on the basis of the impact of the proposal on the amenities of that property, noting the height, depth and siting of the extension in close proximity to the boundary and the extent to which the development would have appeared overdominant, resulting in a loss of outlook.

The assessment of the merits of the previous proposal had regard to the potential tunnelling impact associated with the relationship between the rear/side extension and the existing deep single storey extension at No. 6. This application has increased significantly the separation between the extension and the boundary, from 1m to 4.15m in the context of a two storey rear projection of approx. 4.02m. Where the previous proposal was two storeys on the western side of the dwelling and single storey on the eastern side towards the boundary with No. 10 in this application the relationship has been reversed so as to increase the separation of the first floor rear extension to the boundary with No. 6.

The recent appeal decision is a strong material planning consideration. It is noted that the Inspector expressed considerable concern regarding the impact of the previous proposal on the amenities of No. 6 with regards to visual impact, dominance and the creation of an undue sense of enclosure and tunnelling to the dwelling and the area between the extension at No. 6 and the proposed extension at the application site. Where the extension would have been approx. 5.35m high to eaves level 1m from the boundary with No. 6 the impact upon the amenities of No. 6 would now relate to the single storey element of the extension at a height of 3.45m at a distance of 1m from the boundary and approx. 1.85m from the main flank wall of No. 6, with the two storey element set more than 4m from the boundary. The Inspector referred to the existing garage which lies along the boundary to the side/rear of the host dwelling, stating that this would not have justified the dismissed development. In the context of this application, where single storey development would replace the existing garage, it is considered that the existing situation with the detached garage set deeper into the plot and closer to the boundary than the current single storey extension does provide some context for the current proposals.

It is acknowledged that the proposed extensions would lie to the east of the neighbouring dwelling. On balance however it is not considered that the proposal would have such an impact as to warrant the refusal of permission on this basis, taking into account also that the previous refusal/dismitted appeal related to outlook and visual impact rather than loss of sunlight. It is noted that concern has been expressed regarding noise and disturbance associated with the extension rear doors and the impact of the ground floor WC window on the amenities of the neighbouring dwelling. The current proposals replicate the extent of the rear facing doors that were proposed under reference 17/04621 and it is also noted that that application included a flank facing WC window. These aspects were not considered unacceptable in the refusal of planning permission under reference 17/04621, and the Inspector raised no specific concerns in respect of these aspects of the scheme. The WC window in the current proposal has been placed on the rear elevation of the single storey side extension and is narrow, with outlook enclosed by the side boundary fence to one side and the flank wall of the single storey rear extension on the other.

In view of the siting of the two storey rear extension closer to the boundary with No. 10 it falls to consider the impact of the development upon the residential amenities of that property. The main two storey dwelling at No. 10 is separated from the boundary with the application site by the width of the original rear garage/access and No. 10 has been significantly extended at ground floor immediately adjacent to

the boundary. Taking into account the existing extension at No. 10, the orientation of the development and the separation to the first floor rear windows at No. 10, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

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 not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

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 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: To comply with Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise 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 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 UDP and in the interests of visual and residential amenity.