

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

Application No : 18/02987/FULL6

Ward:
Chislehurst

Address : Wengen Elmstead Lane Chislehurst
BR7 5EQ

Objections: Yes

OS Grid Ref: E: 542443 N: 170989

Applicant : Mr A Mulock

Description of Development:

Increased height of single storey rear extension, new front porch and elevational alterations PART RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Smoke Control SCA 10

Proposal

The application is part retrospective and the proposal involves amendments to a previous planning permission granted under ref. (17/02441) for a part one/ two storey front extension and single storey rear extension. The proposal involves the following amendments:

- Omission of the north east flank window within the single storey rear extension
- Increase in height of the flat roof of the single storey rear extension from 3.2m to 3.3m and increase in the height of the lantern rooflights from 3.8 to 4m
- Alterations to position and number of windows to the ground fenestration of the north east flank elevation
- A front pitched roof porch canopy is now proposed which would have a height of 3.6m, a forward projection of 1.1m and would have a width of 2.3m

As in the previously permitted scheme ref. 17/02441, the proposal involves the following, with amendments were necessary:

Roof alterations are proposed which would incorporate replacing the existing gable ended roof with a hipped roof and an increase in the main ridge height from 7.75m to 8m.

The proposal involves a two storey front extension which would square off the front elevation at ground floor and would have a width of 5.8m at first floor and would have a forward projection of 2.6m. This element would have a pitched roof which would be hipped and would have a maximum height of 7.8m.

To the southern side of the front elevation, a front dormer is proposed which would have a width of 3.8m and a pitched roof which would be hipped and would have a height of 4.5m, matching the extended ridge height of the main roof (8m in height)

A single storey rear extension is also proposed which would have a rearward projection of 4m, a width of 10.7m and it would be set back 1m from the north flank. The proposed rear extension would have a flat roof with a height of 3.3m and would incorporate two lantern rooflights with a maximum height of 4m.

Location and Key Constraints

The site hosts a detached dwelling which is situated on the western side of Elmstead Lane, not far from the junction with Walden Road. The site is not on any designated land.

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

- Variations that have not been noted in addition to our objections to the new changes proposed in the retrospective application.
- Breach of conditions set in 17/02441/FULL6. Drawings AY:99:518:EXG:01 should reflect the approval and conditions imposed under 17/02441/FULL6. The architect should be told to re-submit them properly. We notified LBB via email on 15th & 26th July yet remains online
- Condition stated that it should not be included in the construction and there is to be no window on this wall at any time in the future.
- Layout of doors and windows have changed on ground floor side elevation NE during construction but not highlighted on drawing
- Increased height of the rear single storey extension
- parapet wall on the ground floor extension in excess of the 3.2m
- critical importance to both 1 and 2 Walden End as this structure was already going to be a dominant feature.
- Overlooking from standing on roof looking in to kitchen and bedroom
- would have had to increase the height of the bedroom windows.

- would be most surprised if this was ever approved by you as we were told in September by the applicant that the windows would be put back "like for like" in terms of positioning and openings.
- Raised finished floor levels not highlighted on drawings
- There is now a large gap between the finished floor levels of the rear extension and the garden.
- Do not want to a raised platform built as it will clearly exceed 0.3m and will directly impact upon both of our private amenity space.
- garden is at a higher level than both Wengen and number 1 Walden End and I am directed impacted by this structure in terms of my private amenity space
- New rear extension showing large step down into garden
- Understand that the approved overall roof height is 8.5m taken from the existing approved plans.
- Long suspected that the roof was to be raised
- Why is new porch listed under a retrospective when it hasn't been built.
- the drawings lack in detail. Will it be enclosed with side opening windows outside of the building line
- On the Roof Plan. In the absence of any keys, what does the shaded area in the middle of the roof illustrate?
- Would like to conditions to be imposed regarding standard hours of operation of building works and that the site be secured overnight

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space
NE7 Development and trees

Draft Local Plan

Draft Policy 37 - General Design of Development
Draft Policy 6 - Residential Extensions
Draft Policy 8 - Side Space
Draft Policy 32 - Road Safety
Draft Policy 73 - Development and Trees

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:

Planning permission was granted under ref. 89/03126 for formation of a pitched roof over front and rear dormer extension

Planning permission was refused under ref. 16/02905 for part one/two storey front and single storey rear extensions. The reason for refusal was as follows:

'1 *The proposed rear extension, by reason of its depth of substantial rearward projection, height and proximity to the flank boundary of the site, would result in an overbearing visual impact and tunnelling effect on the rear ground floor window and outdoor amenity space of 1 Walden end Elmstead lane and would result in a overshadowing and a harmful loss of residential amenities to this neighbouring property, contrary to Policies BE1 and H8 of the Unitary Development Plan.'*

Planning permission was granted under ref. 16/04213 for a part one/two storey front and single storey rear extensions.

Planning permission was granted under ref. 17/02441/FULL6 for a part one/ two storey front extension and single storey rear extension.

This application involved alterations to the previously granted proposal in 2016 and involved the following amendments:

- Increase in height of 0.25m of the main ridge height
- Increase in height of the first floor front dormer extension of 1m

Considerations

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

- Resubmission
- Design
- Neighbouring amenity
- Trees
- CIL

Resubmission

The application is part retrospective and the proposal involves amendments to a previous planning permission granted under ref. (17/02441) for a part one/ two storey front extension and single storey rear extension. The proposal involves the following amendments:

- Omission of the north east flank window within the single storey rear extension
- Increase in height of the flat roof of the single storey rear extension from 3.2m to 3.3m and increase in the height of the lantern rooflights from 3.8 to 4m
- Alterations to the position and number of windows to the ground fenestration of the north east flank elevation

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.

Policies H8 and BE1 and the Council's Supplementary Planning 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. These policies are consistent with Draft Policies 6 and 37 of the Draft Local Plan.

The main impact on the character of the local area in this amended proposal would be the proposed porch canopy. The other amendments proposed to the flank fenestration and single storey rear extension would not be clearly visible from the public parts of the road.

The porch would be open to the sides and front with two pillars to the front and a pitched roof which would be hipped and would have a total height of 3.6m and would therefore be a modest addition to the host dwelling. Furthermore, in the local area, there are examples of front extensions and porches including the neighbouring property at Nos. 61 and 61B which are of a more significant size and a front porch at 1 Walden End. Therefore, it is considered that the proposed porch canopy would appear in context with the existing dwelling and would not appear out of character with the surrounding development.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions and alterations would complement the host property and would not appear 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.

Having regard to the scale, siting, separation distance, orientation, existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

The proposed amendments from the permitted scheme ref. 17/02441 involve an increase in height of the single storey rear extension from 3.2m to 3.3m which is not a significant increase. The single storey rear extension would continue to have the same depth and separation from the boundary as the extension previously permitted. Therefore, it is not considered that the proposed increase in height would have a significant additional visual impact or loss of daylight or outlook than

the extension already permitted to an extent which would warrant the refusal of this application on this basis.

The alterations to the ground floor fenestration would result in an overall reduction in windows to this elevation, from four windows and a door to 1 one window and a door, and it is not considered that the changes to the position and size of the window would not result in any additional overlooking over the previous fenestration.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

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 of the Town and Country Planning Act 1990

- 2 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 UDP and in the interests of visual and residential amenity.

4 Reason: 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 buildings, structures, alterations, walls or fences of any kind 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.

In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy BE1 of the Unitary Development Plan.