

Committee Date	22.04.2021	
Address	8 Speldhurst Close Bromley BR2 9DT	
Application Number	18/03074/RECON	Officer - Suzanne Lyon
Ward	Hayes and Coney Hall	
Proposal	Minor material amendment to planning permission 18/03074/FULL6 granted for 'ground floor rear and side and first floor rear extension with elevational alterations' to allow an increase in height. Part retrospective	
Applicant	Agent	
Mr & Mrs Anand Kaliaperumal	N/A	
8 Speldhurst Close Bromley BR2 9DT	N/A	
Reason for referral to committee	Previously reviewed at committee	Councillor call in

RECOMMENDATION	Application Permitted
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KEY DESIGNATIONS
<ul style="list-style-type: none"> • Biggin Hill Safeguarding Area • London City Airport Safeguarding • Smoke Control SCA 8 • Tree Preservation Order

Representation summary	Neighbour letters were sent <u>05.02.20</u>
Total number of responses	4
Number in support	0
Number of objections	4

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would not impact on the character or appearance of the host property or surrounding area.
- No unacceptable impact would arise to neighbouring occupiers;

2 LOCATION

- 2.1 The application site is a two storey detached property located on the northern side of Speldhurst Close, a cul-de-sac of 21 properties.



3 PROPOSAL

- 3.1 Approval is sought for minor material amendments to the development granted planning permission under reference 18/03074/FULL6 granted for 'ground floor rear and side and first floor rear extension with elevational alterations' to allow an increase in height.
- 3.2 This application was presented to Plans Sub Committee 2 on 10th December 2020 where Members resolved to defer the application, without prejudice, to seek a clarification regarding encroachment. This is a civil matter and is not normally considered to be a matter covered by planning.
- 3.3 The applicant has considered the request of the Committee and supporting information and photos have been received. A Council Officer has also visited the site. The applicant has proposed the following steps to address the issue of encroachment:

1. Remove 50 mm insulation board
2. Cut top roof around 70 mm and finish with fibre glass
3. Capping the space between two walls with overlap on brick wall, lead code5 (flashing) to stop water going in
4. Instead of insulation board (grey) the wall will be finished with render and painted with masonry paint.

3.4 The original report has been updated where necessary.

4 RELEVANT PLANNING HISTORY

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

- 17/00130/FULL6 - Demolition of existing garage and construction of ground and first floor rear extensions and single storey side extension with rooflights and canopy area to front. - Permitted 20.03.2017
- 18/03074/FULL6 - Ground floor rear and side and first floor rear extension with elevational alterations – Permitted 26.09.2018

5 CONSULTATION SUMMARY

5.1 Adjoining Occupiers (summary)

- Built incorrectly - point addressed in paragraph 7.1
 - Has been built 450mm higher than their old garage roof
 - New bedroom extends backwards to the very limits possible and overhangs and wraps around our wall.
 - Wrong materials have been used
 - Should enforce the original materials and require the height of the bedroom be brought down to the original height of the old garage.
- Impact on amenities - point addressed in paragraph 7.2
 - Impinged on quality of life and has impacted on light and outlook
 - Poorly finished blank wall
 - Plans were deceiving
 - Location plan does not show correctly how properties link together
 - Difficult to read the measurements attached to the plans submitted
 - Do not show how the old and new compare and relate to 9 Speldhurst Close

Please note the above is a summary of the material planning considerations and the full text is available on the council's website.

6 POLICIES AND GUIDANCE

6.1 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.

6.2 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.

6.3 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

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

6.5 London Plan

D1 London's form and characteristics
D4 Delivering good design
D5 Inclusive design

6.6 Bromley Local Plan 2019

6 Residential Extensions
8 Side Space
30 Parking
37 General Design of Development
41 Conservation Areas

6.7 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

7 ASSESSMENT

7.1 Enforcement History

7.1.1 The site was subject to permission under planning ref. 18/03074/FULL6, for a 'Ground floor rear and side and first floor rear extension with elevational alterations'. The development has not been built to plan. An open enforcement case is ongoing.

7.1.2 The alterations needed to ensure the submitted drawings can be implemented are outlined in the assessment below. The following assessment is based on the submitted drawings.

7.2 Design – Layout, scale – Acceptable

- 7.2.1 The proposed two storey rear extension would be of the same siting and footprint as the permitted scheme however, this current proposal increases the height of the extension. At the rear, the single storey rear extension increases in height and width by 0.14m, and at the side the extension increases in height by 0.2m to a maximum of 3.38m. The plans have also been amended to reflect the uneven ground levels of the site. The submitted plans also include alterations to the roof to resolve the issues of encroachment, as detailed in paragraph 3.3 above.
- 7.2.2 The development is sited at the side and rear of the property. The increase in height at the side is visible from the street however given the modest increase of 0.2m, it is not considered to result in a significant impact on the appearance of the property or wider street scene.
- 7.2.3 The finishing materials include brickwork and render, in accordance with the approved plans (18/03074/FULL6).
- 7.2.4 In the light of the permission granted under reference 18/03074/FULL6 it is considered that the minor material amendments would have no significant impact on visual amenity and the appearance of the host dwelling.

7.3 Residential Amenity – Acceptable

- 7.3.1 The proposal seeks to increase the height and width of the rear extension by 0.14m, providing a minimum of 1m separation to the shared flank boundary. The proposal also includes an increase in the height of the side extension by 0.2m. The plans have also been amended to reflect the uneven ground levels of the site. When viewed from the front the side element has a height of 3.05 – 3.38m. It is noted that the development is located along the shared flank boundary with No.9 Speldhurst Close therefore there may be a slight increased impact on amenity due to the increase in height, however it is also noted that shared boundary line is staggered and the footprint of No.9 wraps around this extension at the rear. As such, it is not considered to impact significantly on light or outlook of this neighbouring property.
- 7.3.2 The proposal also includes an increase in the height of the single storey rear extension by 0.14m and width by 0.14m. This element maintains 1.15m side space to the shared flank boundary with No.9. Given the separation and modest increase in height, it is considered that the minor material amendment does not impact significantly on the amenities of this neighbouring property over and above that of the approved plans.
- 7.3.3 The neighbouring property to the west, No.7, is orientated at 90 degrees to the application site and the proposal maintains approximately 7m side space to the western flank boundary, it is therefore considered that the proposal does not result in a significant impact on the light, outlook or privacy to this neighbouring property.

7.3.4 Concerns have been raised regarding encroachment over the boundary. These concerns are noted however this is a private legal matter and is not normally considered to be a matter covered by planning. Nonetheless, a revised plan has been submitted (07.04.21) which includes the alterations as set out in paragraph 3.3. As such a condition will be included with any permission to ensure the changes are carried out in accordance with the approved plans.

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

8 CONCLUSION

8.1 Having regard to the above, the development in the manner proposed is acceptable in that it would not result in a significant impact on the character and appearance of the surrounding area or harm the amenities of neighbouring residential properties.

8.2 Based on the facts of this case and enforcement involvement, it is considered prudent to include a condition to ensure the proposed works are completed within 3 months of the date of decision.

RECOMMENDATION: Application Permitted

Subject to the following conditions:

- 1. Works completed within 3 months**
- 2. Materials in accordance with plans**
- 3. Complete in accordance with plans**