

Committee Date	11.01.2024	
Address	Ribble Hurst 45 The Avenue Beckenham BR3 5EF	
Application Number	23/04047/NDFLAT	Officer - Susanna Stevenson
Ward	Beckenham Town And Copers Cope	
Proposal	Proposed construction of additional floor with flat roof to provide 2 additional flats (2 no. 2 bedroom units) with associated landscaping works, 2 no. car parking spaces, refuse store and cycle storage lockers (56 day application under Class A, Part 20, Schedule 2 to the General Permitted Development Order, 2015 (as amended) with regards to transport and highways impacts, flooding risk, air traffic and defence assets impacts, contamination risks, external appearance of the building, provision of adequate natural light to habitable rooms, impact on existing and neighbouring residential amenities and impact on protected views).	
Applicant	Agent	
Mr Sharif Uddin	Mr Ciaran Treanor	
Ribble Hurst 45 The Avenue Beckenham BR3 5EF	63 Rivington Street London EC2A 3QQ	
Reason for referral to committee	Councillor call in	
	Call-In	Councillor Tickner and Councillor Ross Reasons: Impact on neighbouring amenity, character and appearance. Lack of parking.

RECOMMENDATION	Prior Approval be Granted
-----------------------	---------------------------

KEY DESIGNATIONS

Article 4 Direction
 Biggin Hill Safeguarding Area
 London City Airport Safeguarding
 Smoke Control SCA 12

Views of Local Importance

Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing	Residential (use Class C3)	0 (not including lower floors)
Proposed	Residential (use Class C3)	122 sqm

Residential Use – See Affordable housing section for full breakdown including habitable rooms

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market		2			2
Total		2			2

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	6	8	+2
Disabled car spaces	0	0	0
Cycle	0	4	+4

Electric car charging points

0

Representation summary	Neighbouring residents were notified of the application by letter dated 25 th October 2023. Part 20 Prior Approval site notice displayed on site on 25 th October 2023.	
Total number of responses	9	
Number in support	1	
Number of objections	8	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application for the erection of a one storey roof extension to provide 2 no. flats and associated works, including cycle and bin store, has been assessed in accordance with the provisions of Schedule 2, Part 20, Class A of the GPDO and Article 3 section (9A) of the General Permitted Development Order 2015 (as amended)
- Officers raise no objections to the proposal on the grounds of consideration as detailed in this report and in context with the provisions of the GPDO.

2. LOCATION

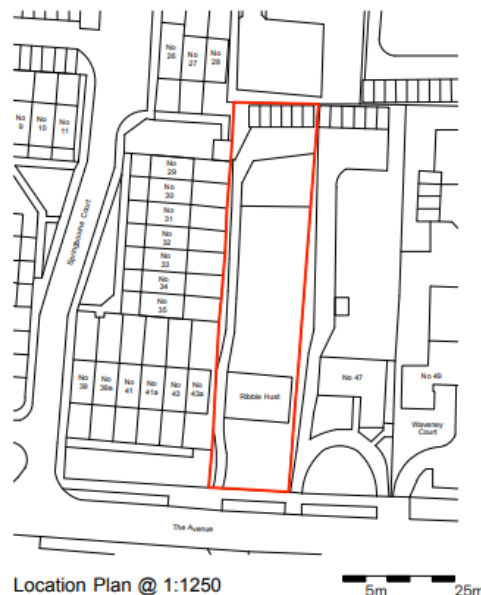


Figure 1 - Location

- 2.1 The application site lies on the northern side of The Avenue and hosts a detached three storey block of flats.



Figure 2 - Photograph of front of site

- 2.2 At the furthest rear of the application site is a concreted garage area, accessed via a track leading to the western side of the main building. Rear amenity space is provided between the garage area and the building and the building is set generously back from the front boundary of the site although it lies slightly forwards of the terrace to the west and more significantly forward of No. 47 to the east.
- 2.3 The Avenue is an unmade road, with a rough shingled surface. The surrounding area is predominantly residential, characterised by a mix of building styles and heights. Immediately to the west is a terraced row of three storey townhouses and to the east is a detached flatted building set over three storeys with a pitched roof above. Opposite the site, at 66 and 68 The Avenue are three storey flatted blocks.
- 2.4 The street, as a consequence of the generous depth of sites, the abundance of front boundary vegetation and mature trees and the informality of the road surface, has a leafy and pleasant suburban appearance.

2.5 To the front of the site is a protected Horse Chestnut tree (TPO 2576 confirmed in May 2014). The boundary between the site and No. 45 is marked by dense hedging.

2.6 The host building comprises at present three storeys of residential accommodation, set beneath a dual pitched roof, comprising 6 no. residential flats (2 per floor) with each flat benefitting from private amenity space in the form of enclosed terraces (ground floor) and balconies (first and second floors).

3. PROPOSAL

3.1 This application seeks prior approval under Schedule 2, Part 20, Class A of the GPDO (as amended) regarding the construction of a one storey roof extension to provide 2 no. residential flats above the existing residential building.

3.2 The proposal comprises the removal of the existing dual pitched roof and the formation in its place of a flat roofed additional storey which would be faced in brickwork to match the existing brickwork below. The resultant building would comprise four storeys of residential flats provided within a flat-roofed building with a total height of approx. 11.41m (the existing ridge height of the building is approx. 11.34m and the eaves height is approx. 8.03m).



Figure 3 – Front elevation as existing



Figure 4 – Proposed front elevation

3.3 The proposed upward extension would form a new third floor of residential accommodation, within the proposed 4 storey building (three storeys as existing). The additional floorspace would be laid out as 2 no. two bedroom residential flats (Flats 7 and 8). Each flat would have an internal floorspace (GIA) of 61 square metres, comprising one double and one single bedroom, a bathroom, utility cupboard and combined kitchen/living/dining room. At the front, each property would have access to a small amenity balcony/wintergarden – set beneath the flat roof topping the extension as a whole.

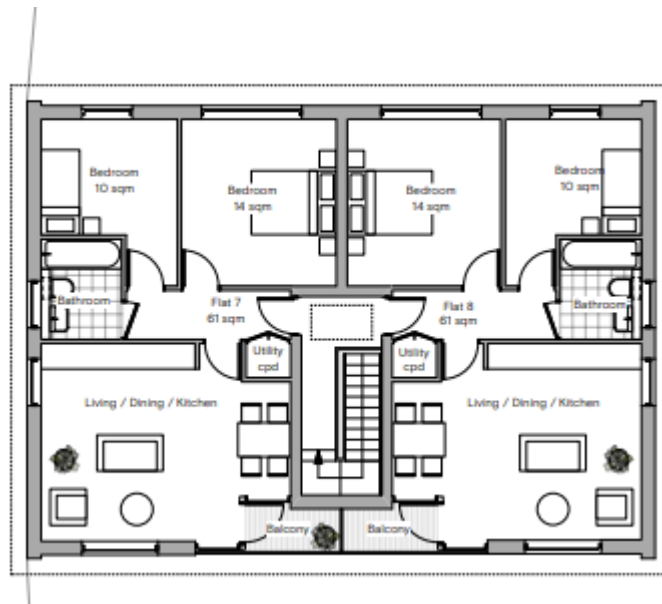


Figure 5 – Layout of proposed fourth floor flats



Figure 6 - West and East elevations

- 3.4 The submitted block plan indicates that a new brick built refuse enclosure will be constructed on the site of the existing refuse storage area, between the western boundary of the site and the rear garden of No. 43A The Avenue.



Figure 7 - Proposed block plan

- 3.5 A cycle store to provide 4 no. cycle spaces will be sited between the driveway and the western boundary of the site with the rear garden of No. 35 Springbourne Court and the rearmost section of the garden serving No. 43A The Avenue.

- 3.6 On land to the rear (north) of the application site, 2 no. car parking spaces are indicated to be provided, one to the side of the existing garage block and one between the rear amenity space and the manoeuvring space associated with the garaging area.

4. RELEVANT PLANNING HISTORY

4.1 23/00758/FULL1

Planning permission refused for the formation of 2 no. car parking spaces and cycle storage in front of the existing building:

Refused on ground:

“1. The proposal by reason of its siting in relation to the mature horse chestnut tree (protected by TPO 2576) would give rise to unacceptable risk of harm to the health and long term retention of the tree, and insufficient justification for the specific siting and need for the development has been provided to outweigh the concern that the development would give rise to pressure for tree works or removal, prejudicing the health and long term retention of the tree and thereby contrary to Policy 73 of the Bromley Local Plan and the processes/recommendations of BS 5837.”

4.2 22/03742/NDFLAT

Prior approval required and refused for the proposed construction of additional floor with pitched roof to provide 2 additional flats (2 no. 2 bedroom units) with associated landscaping works, refuse and cycle storage (56 day application under Class A, Part 20, Schedule 2 to the General Permitted Development Order, 2015 (as amended) with regards to transport and highways impacts, flooding risk, air traffic and defence assets impacts, contamination risks, external appearance of the building, provision of adequate natural light to habitable rooms, impact on existing and neighbouring residential amenities and impact on protected views).



Figure 8 - Front elevation of scheme refused under ref. 22/03742/NDFLAT



Figure 9 – east elevation refused ref. 22/03742/NDFLAT

Refused on grounds:

1. The application site lies in an area with a very poor (1b) Public Transport Accessibility Level and the lack of parking to serve the proposed development is likely to lead to inappropriate and obstructive parking within the adjacent road, to the detriment of the free flow of traffic and conditions of safety within the highway for vehicles and pedestrians. The proposals would therefore be contrary to condition A.2.(1)(a) of Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Policy T6/T6.1 of the London Plan (2020) and Policies 30 and 32 of the Bromley Local Plan.
2. The proposed extension, by reason of its design, scale and height relative to neighbouring properties would have a detrimental impact on the appearance of the host building and in the context of the street scene, and the external appearance of the building would therefore be unacceptable, failing to comply with condition A.2.(1)(e) of Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015

(as amended), Policy D3 of the London Plan and Policy 37 of the Bromley Local Plan.

5. CONSULTATION SUMMARY

A) Statutory

Environmental Health Officer – No objection

Highways Officer – No objection

The site is located within an area with a PTAL rate of 1b on a scale of 0 – 6b, where 6b is the most accessible. The Avenue is an unadopted highway, where the driving surface is unmade and formed of loose material.

Access for vehicles is by the existing arrangement leading to the rear garages, where 2 no. additional car parking spaces will be provided. This is satisfactory.

Conditions are recommended should prior approval be granted.

Drainage Officer – No objection.

B) Local Groups

C) Adjoining Occupiers

Objections

External appearance of the building (addressed at 7.7)

- Proposal will dwarf building at No. 41 and beyond – will cause the neighbouring properties to look much smaller and less proportionate in context with much higher development
- Out of character with locality
- Proposal does not overcome previous proposal – scale and massing
- Design quality is poor – replicates the floors below, contrary to Urban Design Guide SPD which recommends setting back upper floor elements to reduce the appearance of bulk

Highways (addressed at 7.3)

- Building work will necessitate road repairs
- Overflow of cars needing spaces onto the highway – limited on-street parking available

Impact on neighbouring amenity (addressed at 7.9)

- Overlooking of neighbouring gardens/loss of privacy
- Loss of light to neighbouring properties including habitable rooms
- Loss of sunlight to rear garden in view of orientation of properties
- BRE report is incomplete
- Impacts on Right to Light

Other matters

- General disruption caused associated with building works
- Impact on property values
- Similar extension built at 66 The Avenue, which has never been occupied
- Lack of sustainable features/provisions – bio-diversity and landscape improvements
- Developer should be required to make contributions to improve the road

Support

- The proposal will be beneficial to existing owners of the flats in the host building
- The block will be more in keeping with the style of other buildings in The Avenue

- Proposal will improve the communal areas of the site, meaning improved safety for residents and visitors
- Completed block will be approximately same height as existing block because incorporates a flat roof
- Other properties in The Avenue have been granted permission for additional storeys to be added
- Will provide affordable, spacious housing when there is a shortage of such
- Disruption would be limited to the period of construction
- The owners of Ribble Hurst contribute to the costs of maintenance and repair to the unadopted part of The Avenue – not the case with all properties in the street

Agent response to objections

External appearance of the building

- Proposed scheme uses a flat roof rather than a pitched roof, responding to the previous refusal – proposal will broadly maintain the existing building height and streetscene impact
- Due to set back from the street and the screening along the front boundary, the building has a limited impact on the street
- Building is well separated and screened from neighbouring buildings – not directly visible within the context of the neighbouring building
- Designed as a continuation of existing elevations
- Flat roof with minimal eaves projection consistent with other developments in the street
- Roof not set back following consideration of other 4 storey buildings in The Avenue (refers to Nos. 5, 35, 49 and 78)
- Recessed balconies provide façade balance
- It will be possible to brick-match in view of the prevalence of such bricks/their manufacture, and on the front elevation there is an integral horizontal band between storeys which will be replicated in this development

Impact on neighbouring amenity

- The daylight and sunlight report findings under 22/03742/NDFLAT remain valid in view of the reduced massing of the roof
- Proposal will not impact on habitable rooms
- Overlooking impact on neighbouring properties not different to that associated with the existing first or second floor flats
- No primary habitable windows in side elevations facing the development

Highways

- Would assume that a CLMP condition will be imposed should the scheme be approved
- Owners of Ribble Hurst already contribute to the cost for the road to be maintained – and a condition in relation of pre/post road condition would be agreed to
- Proposal will meet parking space requirements set out in London Plan and provides 1 space for each dwelling

Other matters

- Energy performance is not a condition within the assessment of prior approval applications. Proposal will need to meet the current Building Regulations Part L 2021 and the building will perform better than the existing building and others on the street

6. LEGAL CONTEXT AND POLICY CONTEXT

6.1 As set out in Class A, Part 20, Schedule 2 of the General Permitted Development (England) (Order) (as amended), planning permission is not required for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all:

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses

- 6.2 As well as the considerations available for assessment by the Local Planning Authority which are listed in paragraph 6.3 below, the construction of additional dwellinghouses on top of existing detached flatted buildings is required to comply with condition under A.1, which include stipulations including (but not limited to) floor to ceiling heights, siting of development relative to the front of the building, site location in relation to designated assets including scheduled monuments, listed buildings and conservation areas, as well as with regards to the height and use of the existing building and its period of construction.
- 6.3 Condition A.2 of the permitted development rights sets out the list of impacts for assessment in applications for prior approval.
- Transport and highways impacts of the development
 - air traffic and defence asset impacts of the development
 - contamination risks in relation to the building
 - flooding risks in relation to the building
 - the external appearance of the building
 - the provision of adequate natural light in all habitable rooms and compliance with nationally described space standards of the new dwellinghouse
 - impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light
 - whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State,
 - where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,
 - where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building
- 6.4 In addition, Article 3 – Permitted Development (as amended by SI 1243 on 6th April 2021) added the provision that had the implication that new dwellinghouses provided under Schedule 2 of the GPDO would not be permitted where they provide a dwelling with a GIA of less than 37sqm or that does not comply with the nationally described space standards.

6.5 The NPPF was revised and published in December 2023 and the guidance relating to design, neighbouring amenity, to transport, flood risk, land contamination, noise and natural light in relation to quality of accommodation is a material consideration in the determination of applications for Part 20 Class A Prior Approval.

6.6 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.

6.7 **London Plan 2021**

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D5 Inclusive design

D6 Housing quality and standards

D9 Tall buildings

D12 Fire safety

D14 Noise

S12 Flood risk management

S13 Sustainable drainage

T3 Transport capacity, connectivity and safeguarding

T4 Assessing and mitigating transport impacts

T5 Cycling

T6 Car parking

T6.1 Residential Parking

T7 Deliveries, servicing and construction

Bromley Local Plan 2019

4 Housing Design

30 Parking

32 Road Safety
37 General design of development
47 Tall & Large Buildings
115 Reducing flood risk
116 Sustainable Urban Drainage Systems (SUDS)
118 Contaminated Land
119 Noise Pollution

7. ASSESSMENT

- 7.1 Class A confers permitted development rights for works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all:
- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
 - (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
 - (c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
 - (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Assessment: COMPLIES.

The plans will affect only the communal internal stairwell by introducing a turn/flight of stairs leading from the existing second floor (third storey) to lead to the proposed third floor (fourth storey). Externally, the proposals include use of the existing rear parking area to provide 2 no. car parking spaces, as well as the provision at the side/rear of refuse and cycle storage facilities. The existing building does not include any plant, and none is proposed.

- 7.2 A.1 sets out a range of criteria with which the application site/specific development must comply, including:

- building was constructed between specified dates in 1948 and 2018 and not following the grant of prior approval under other named Classes within the GPDO (M, MA, N, O, P, PA, or Q)
- building as existing is 3 storeys or more in height and the additional storey/storeys would be constructed on the principal part of the building
- internal floor to ceiling height of any additional storey would not exceed the floor to ceiling height of any of the existing storeys, or 3m, whichever is the lower
- the development must provide flats only and the height of the roof of the extended building must not exceed 30m in total, or 7m increase relative to the existing building
- no visible support structures are permitted and no engineering operations outside of the building curtilage are permitted other than as specified
- the development works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases, must not extend beyond the existing building curtilage
- the development works or the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses must not extend outside the curtilage, and must not be situated in front of the wall forming the principal elevation of the existing building, or on land between the side elevation of the building and a highway
- development under Class A is not permitted where the site would lie in defined areas comprising: conservation area/curtilage of a scheduled monument or listed building/a site of special scientific interest/a safety hazard area/a military explosives storage area/land within 3km of the perimeter of an aerodrome.

Assessment: COMPLIES. The development would comply with all the conditions set out in A.1 and summarised above.

Class A.2 (1) Conditions

7.3 TRANSPORT AND HIGHWAYS IMPACTS OF THE DEVELOPMENT – ACCEPTABLE

- 7.3.1 No objections are raised by the Highways Officer to the proposal, which would provide 2 no. additional car parking spaces at the rear of the site in the context of the existing garaging. The car parking spaces would utilise the existing access point and track, and while this is narrow, this is currently the case for the existing on-site car parking. It is not considered that the limited number of additional parking spaces (2) in conjunction with the formation of 2 additional flats, would have a significantly greater impact with regards to highways safety, congestion and the free flow of traffic in the neighbourhood.

7.3.2 It is acknowledged that representations have been received expressing concern that the proposal will give rise to additional on-street parking demand. However, the proposal would provide each 2 bedroom flat with 1 parking bay, and in note of the size of the units and the siting of the building within an area with a PTAL of 1b the London Plan car parking provision as set out in Policy T6.1 the proposal is considered to provide adequate parking in the context of the site and surroundings.

7.3.3 Representations have also referred to the impact of the construction traffic on road conditions in the street. Conditions have been recommended by the Highways Officer, should prior approval be granted. These include that a construction management plan and a road condition survey be provided and approved prior to the commencement of the development – so that a record is made of the existing road condition adjacent to the site, with the aim of ensuring re-instatement following the completion of the development, as well as there being approval pre-commencement of details of deliveries and servicing and other construction-related impacts.

7.3.4 The applicants have confirmed agreement with these pre-commencement conditions, and have noted that the owners of the flats at Ribble Hurst already contribute to the maintenance of the existing highway outside the site frontage.

7.4 AIR TRAFFIC AND DEFENCE ASSET IMPACTS - ACCEPTABLE

7.4.1 The proposal would not impact on air traffic or defence assets.

7.5 CONTAMINATION RISKS IN RELATION TO THE BUILDING – ACCEPTABLE

7.5.1 The development is contained within the existing footprint of the building and will not involve ground works in relation to the building such that would give rise to contamination concerns.

7.6 FLOODING RISKS IN RELATION TO THE BUILDING – ACCEPTABLE

7.6.1 The application site is not within a high risk flood zone, and while the proposal relates to the formation of 2 additional residential units, these would be sited at

high level relative to the existing residential development at the site and surroundings.

7.7. EXTERNAL APPEARANCE OF THE BUILDING – ACCEPTABLE

7.7.1 The principle of the construction of an additional storey to a detached block of flats is agreed in the very provision of Class A – i.e. that the construction of such development comprises permitted development, subject to an assessment of how a proposed development will impact on the “external appearance of the building.”

7.7.2 The interpretation of paragraph A.2(1)(e) is now an established case law principle in that assessment shall include the townscape context of the appearance of the building in the surrounding area as well as the building appearance itself.



Figure 10 – Front of site



Figure 11 – rear of building

7.7.3 The surrounding townscape context comprises a mixed character formed largely of flatted buildings of a varied design and external appearance. Alongside the varied design of development, the scale and massing of properties fronting The Avenue is not uniform. While the building to the left of the site is three storeys in height (with a flat roof) and the building to the right of the site is three storeys (with a pitched roof), the spacing and setting of buildings relative to the front boundary/street varies. The terrace building including 43a is set on lower ground as a consequence of the topography of the site/surroundings – and the neighbouring building at 47 is likewise set slightly higher than the application building.

7.7.4 With regards to building heights within the wider street scene/townscape context, there is some variety in height/number of storeys and external appearance. Balmoral Court, No. 35 The Avenue, comprises an imposing four storey building with a pitched roof. No. 33 The Avenue is a three storey building with significant accommodation visible at roof level as a result of the front dormers, and includes a basement/undercroft parking area. Sandringham Court includes four storeys of accommodation. At the same time, a number of older buildings within the street are set over two storeys and in terms of relationships between buildings, there are examples of juxtaposition between two and four storey buildings (i.e. the relationship between No. 49 and 51). The applicant has provided, within their Design and Access Statement, an analysis of building heights within the immediate locality, which is shown below (with yellow indicating four storey development):



Figure 12 – Analysis of building heights

7.7.5 It is acknowledged that the proposed extension would not be set in from the main existing elevations below, and in this context materials used for the external surfaces of the formed elevations are of particular importance in terms of how the building would look as extended. It can be difficult to colour match existing brickwork or rendering.

7.7.6 The applicant was asked for further information on their intentions regarding brick-matching and how successfully this may be of being achieved, as well as to provide further explanation of the design approach in the development of the current scheme.

7.7.7 With regards to brick matching the applicant's agent has referred within their Design and Access statement to successful schemes involving brick matching, and notes that there are three brick types in the existing building, comprising standard mass-produced bricks. It is noted that the existing building is horizontally banded between floors, and if this design detail is continued into the proposed building's front elevation (as is indicated on the submitted elevation), then the use of facing brick for the external surfaces of the building would be acceptable in terms of the impact of the development on the appearance of the building and its surroundings. While the neighbouring property to the east has a pitched roof, the three storey terrace to the west has

a flat roof. As such, it is considered that the proposal would not appear unduly discordant or harmful to the visual amenities of the street scene.



Figure 13 Proposed front elevation

7.7.8 It is recommended, should prior approval be granted, that a condition be imposed requiring details of materials to be used for the external surfaces of the extension, cross-referencing those existing within the host building, in order that a successful transition between the old and the new at the development building can be achieved.

7.7.9 While the proposed extension is not set back from the main elevations below, this is not on balance considered to result in an unsatisfactory appearance to the building, noting the varied townscape context of the development, and also the way in which the proposed extension is designed to be a continuation of the existing building, drawing on examples of other four storey buildings with no set backs in the area. The applicant has referred also to the design's integration of a wider balcony recess through the setting back of the internal stair, intended to provide balance to the front elevation.

7.7.10 Taking into account the assessment above it is considered that the proposal would not result in an unacceptable impact on the appearance of the host building and its townscape/streetscene context.

7.8 ADEQUATE NATURAL LIGHT AND COMPLIANCE WITH MINIMUM SPACE STANDARDS - ACCEPTABLE

7.8.1 The proposed residential units would have dual aspect – with living room windows facing to the front (south). The bedroom windows would face to the rear. Overall, it is considered that the proposal would provide adequate natural light in all habitable rooms.

7.9 IMPACT ON THE AMENITY OF THE EXISTING BUILDING AND NEIGHBOURING PREMISES INCLUDING OVERLOOKING, PRIVACY AND LOSS OF LIGHT – ACCEPTABLE

7.9.1 The Council is required under A.2(1)(g) to consider the impact of a proposal on the amenity of the existing building and neighbouring premises. Considerations include (but are not limited to) overlooking, loss of privacy and loss of light.

7.9.2 The application has been submitted with the Sunlight and Daylight report which accompanied the previous, refusal application – where it was proposed to construct a fourth floor of accommodation with a pitched roof identical to the existing. The current proposal relates to a flat-roofed extension, with a height equivalent to the eaves of the previously-proposed scheme.

7.9.3 While prior approval was refused for the previous scheme, it is notable that neither of the grounds for refusal related to the impact of that, bulkier, scheme on the amenities of neighbouring residents.



Figure 14 – front elevation of Ribble Hurst with No. 43a beyond

7.9.4 Representations have been received which express concern at the impact of the proposal on the amenities of neighbouring residents relating to loss of light, loss of sunlight and with regards to the scope of the Daylight and Sunlight Assessment.



Figure 15 – host building on left and No. 47 on right

- 7.9.5 The applicant has submitted a supporting statement addressing objections raised by neighbouring residents.
- 7.9.6 It is noted that the neighbouring property at No. 43a lies directly to the east of the application building, and broadly aligns at front and rear with the position of front and rear elevations at the host building. While it is acknowledged that the proposal will increase the number of vertical storeys by one, the additional floor of accommodation replaces the existing dual pitched roof, which has a ridgeline that runs parallel to the street boundary. The height of the proposed building will not be significantly higher than the existing ridge height of the host property. In terms of the increased height at front and rear, associated with the “squaring off” of the bulk at roof level to form the additional floor, the increase in the height of the front and rear elevations is approx. 3.2m, but this lessens towards the centre of the roof, where the height is consistent with that existing.
- 7.9.7 Concern has been expressed with regard to the impact of the proposal on light (daylight and sunlight) to neighbouring properties with reference to the rear gardens and to flank facing windows at the end-of-terrace property adjacent to the site. With regards to No. 43A, which lies to the east, while that property does include flank facing windows, these are not understood to provide sole outlook/daylight and sunlight to the first/second floor rooms in question, which already face towards the flank of the host building. When considering what constitutes a habitable room, certain room-types are excluded (in planning

terms) including utility spaces, hallways and bathrooms. Where a room has more than one aspect, the planning judgement can be that impact on one window i.e. a flank window will not be unacceptable where the primary light/outlook in the main fenestration is maintained.

7.9.8 To the west of the site is No. 47 which comprises a three storey flatted building with a pitched roof. The building is separated from the host building by a distance of approx. 6m at the closest point, although as it is L-shaped, a front “wing” of development lies approx. 15.85m from the host building. Taking into account the orientation of the properties relative to each other, the separation to the boundary and the scope of the development (with regards to the “replacement” of the existing pitched roof with a flat roofed storey of similar overall height) it is not considered that the refusal of prior approval on the grounds of impact on neighbouring amenity would be warranted.

7.9.9 Reference has been made to “rights to light.” These exist outside of the planning regime and are separate from the consideration of the impact of a development on daylight and sunlight as part of a planning application/application for prior approval.

7.10 Other matters for assessment

7.11 In addition to the assessments above, under A.2(1)(h), A.2(1)(i) and A.2(1)(j) the Council is required to consider the impact on protected views and the fire safety of the external wall (where the existing building exceeds 18m in height, and if it does, the fire safety impacts of the development). The existing building is not more than 18 metres in height and the application site is not within one of the protected vistas set out in the London View Management Framework. As such, A.2(1)(h), A.2(1)(i) and A.2(1)(j) are not applicable in this instance.

8 CONCLUSION

8.1 The application for the for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store, has been assessed in accordance with the provisions of Schedule 2, Part 20, Class A of the GPDO and Article 3 section (9A) of the General Permitted Development Order 2015 (as amended).

- 8.2 Officers raise no objections to the proposal on the grounds of consideration as detailed above in this report and set out within the GPDO.
- 8.3 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: Grant Prior Approval

Subject to the following conditions:

- 1. Details of a Construction and Environmental Management Plan**
- 2. Details of road condition and repair to damaged roads**
- 3. Details of Materials**
- 4. Details of Refuse Storage**
- 5. Details of Bicycle Storage**
- 6. Obscure glazing to flank elevations**

Informatives

- 1. Contact Naming and Numbering Officer at the Council.**
- 2. Reminder of CIL payments.**

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.