

SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/03156/FULL6

**Ward:
Hayes And Coney Hall**

**Address : 138 Birch Tree Avenue West Wickham
BR4 9EL**

OS Grid Ref: E: 539550 N: 164397

Applicant : Mr And Mrs Cintra

Objections : YES

Description of Development:

Part one/two storey rear and first floor front/side extensions.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Proposal

This proposal is for a part one/two storey rear, first floor front/side extensions and roof alteration.

The property is to be extended approximately 2.95m to the rear at a single storey level which shall be 5.5m in width and 3.5m in height, 2.4m to the eaves. The first floor rear extension all projects 2.95m to the rear and is 3.5m in depth and set back approximately 2.1m from the boundary with No. 140. The property is to be extended approximately 1.3m to the side at a first floor level and will extend beyond the existing front wall by 2.15m. All dimensions are to be scaled from the plans.

Location

The property is located to the western side of Birch Tree Avenue in close proximity to the Green Belt and is a semi-detached two storey single family dwellinghouse. Properties of the area are of a similar architectural style and scale.

Comments from Local Residents

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

- the proposal will seriously reduce the light reaching the dining room of No. 140 and seriously affect the view from this room.
- concerns that the proposal will enclose the dining room of No. 140 on three sides which will deter birds which come to feed on the patio of No. 140 at present.
- the proposal will reduce the value of the neighbouring property.
- potential overlooking for the rear garden area of No. 136.
- the proposal by reason of its height and depth result in an unacceptable visual impact leading to a loss of prospect, outlook and light and would be detrimental to the amenities the occupants of No. 136 could reasonably expect to be able to continue to enjoy contrary to Policies BE1 and H8.
- the inclusion of an additional window to the side of the existing house would impede the privacy currently enjoyed for the patio area of No. 136 which would result in an unacceptable degree of overlooking to the neighbouring property contrary to Policy BE1.
- the two storey element of the rear extension would result in a loss of sunlight to the patio area of No. 136 where at present the sunlight is already limited.

Comments from Consultees

No consultations were undertaken with respect to this application.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space

Planning History

In 1994 under planning ref. 94/02092, planning permission was refused for a two storey rear extension.

In 2010 under planning ref. 10/01301, planning permission was refused for a two storey rear extension and first floor flank window in northern elevation.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

In 2010 planning permission was refused for a similar scheme, however, in this instance the first floor element was constructed right up to the boundary with No. 140. This proposal was refused on the following grounds:

The proposed extension by reason of its height and depth of rearward projection, located in close proximity to the southern flank boundary of the site, would be seriously detrimental to the amenities enjoyed by the occupants of No. 140 Birch Tree Avenue, by reason of visual impact and loss of prospect, contrary to Policies BE1 and H8 of the Unitary Development Plan.

The current scheme appears to have overcome the previous grounds of refusal as the majority of the proposal now constitutes permitted development as the single storey rear extension does not project more than 3m from the rear wall of the original dwelling house and is less than 4m in height and 3m to the eaves. The first floor element is not within 2m of the boundary with No. 140 and does not project more than 3m from the rear wall of the original dwellinghouse. While the proposal will result in a loss of light and a tunnelling effect for No. 140, this is primarily owing to the existing substantial two storey rear extension at No. 140 and as such any development at the application site will result in tunnelling for No. 140. The proposed rear extension has been stepped back 2m at a first floor level which shall minimise the potential loss of light and shall also ensure it adheres with permitted development criteria.

The first floor extension is located approximately 1.5m from the boundary with No. 136 and as such this element of the proposal does not comply with permitted development criteria, however, as No. 136 is located a further 1.5m from the boundary when a measurement was taken from the mid-point of a cill of window closest to the application site, no section of the proposal was within 45 degrees of the middle of the cill of the closest window of No. 136 and as such the loss of light to the rear elevation of No. 136 was not anticipated to be of such an extent as to warrant refusal. A window servicing a habitable room is located in the ground floor side elevation of No. 136 which may suffer a certain degree of loss of light, however, this appears to be a secondary window and is located 3m from the proposed rear extension and as such the proposal is not considered to be sufficient detrimental to warrant refusal.

No windows are to be located in either flank walls of the proposed extension and as such the impact in terms of loss of privacy is anticipated to be minimal. While a window is to be inserted at a first floor level in the flank elevation of the existing dwellinghouse as this is to be located at a high level the impact in terms of loss of privacy for No. 136 is not anticipated to be of such an extent as to warrant refusal.

As previously stated a two storey side/rear extension was constructed at No. 140, although there does not appear to be any recent planning history relating to this property. While the area is predominately characterised by semi-detached properties of a uniform architectural design, as the adjoining property at No. 140 has previously constructed a substantial side/rear extension which has distorted the uniformity of design of these once symmetrical properties. A number of properties have constructed similar front/side extensions to that proposed including

the adjoining property at No. 136 and as such given the modest nature of the proposal which will appear subservient to the main dwelling house, the proposal is not anticipated to be significantly detrimental to the overall appearance of the property, the streetscene or the character of the area as a whole.

On balance, it was 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 files refs. 10/03156 and 10/01301, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials
 ACC04R Reason C04
- 3 ACI12 Obscure glazing (1 insert) in the first floor flank elevation
 ACI12R I12 reason (1 insert) BE1
- 4 ACI17 No additional windows (2 inserts) first floor flank
 development
 ACI17R I17 reason (1 insert) BE1

Reasons for permission:

In granting planning permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- H8 Residential Extensions
- H9 Side Space

The development is considered to be satisfactory in relation to the following:

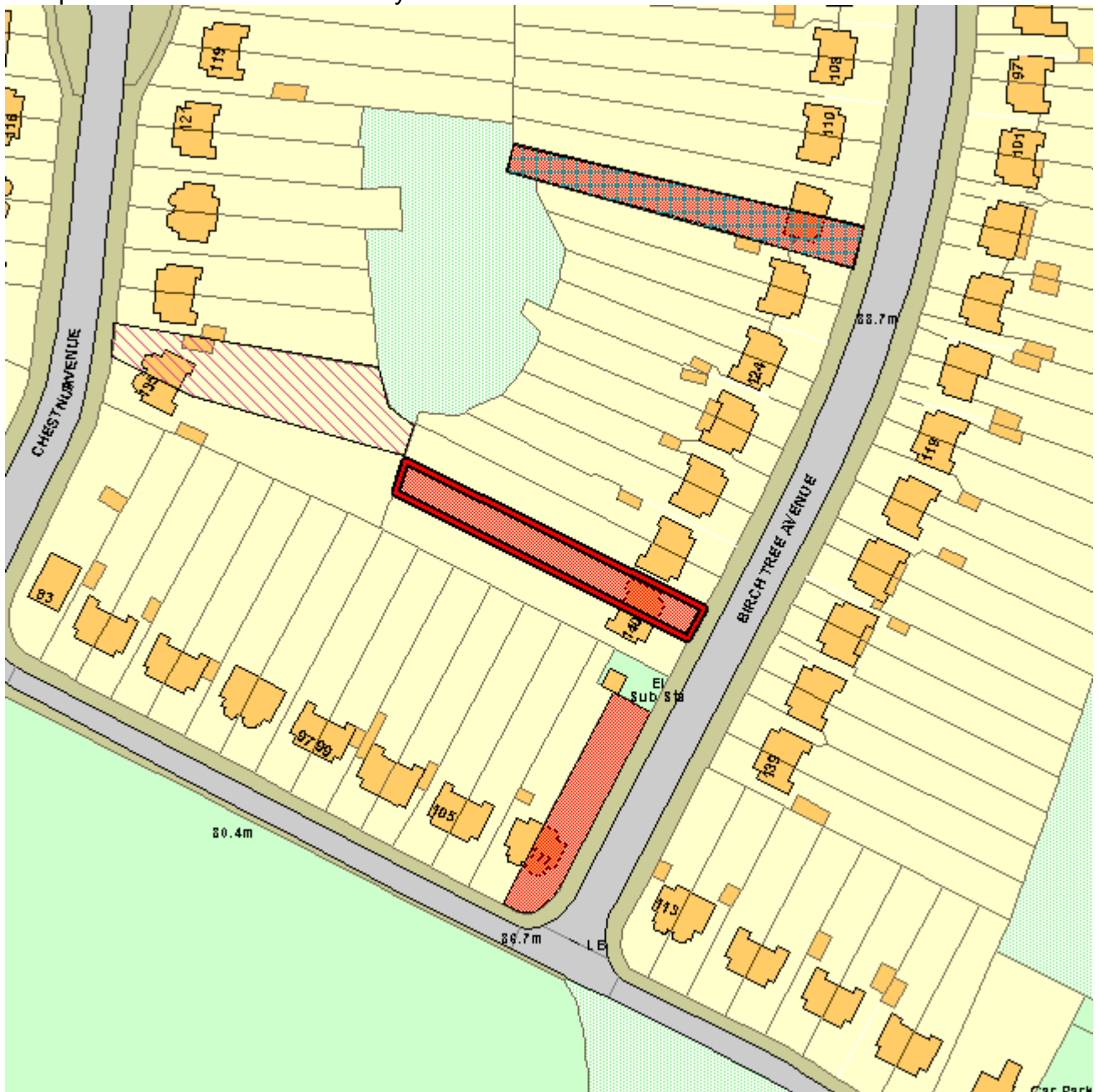
- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent properties;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the housing policies of the UDP;

and having regard to all other matters raised.

Reference: 10/03156/FULL6

Address: 138 Birch Tree Avenue West Wickham BR4 9EL

Proposal: Part one/two storey rear and first floor front/side extensions.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Bromley. Lic. No: 100017661