

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

Application No : 10/02118/FULL6

**Ward:
Shortlands**

Address : 90 Malmains Way Beckenham BR3 6SF

OS Grid Ref: E: 538837 N: 167746

Applicant : Dr S Sivathanan

Objections : YES

Description of Development:

First floor side extension

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Tree Preservation Order

This application was previously presented to the Plans Sub Committee on 3rd February and was deferred without prejudice for Members to carry out a site visit on 19th February. The previous report is repeated suitably amended.

Proposal

The application property is a detached modern house built in the mid 1990's and features a front gable and a pitched 'catslide' roof orientated away from the north-western boundary. It is proposed to extend this dwelling in the form of a first floor side extension incorporating a front gable marginally set back [approx. 0.5m] from the front building line. One obscure glazed side elevation window is proposed and this would serve an ensuite shower room. As a part of the proposals the applicant has also indicated a willingness to introduce a white render to the side elevation in an effort to provide reflected light to the neighbouring property at No.88. The ridge height of the extended roof will continue the height of the existing roof apex.

The distance maintained to the boundary with No.88 would be approx. 1.07m, the flank to flank distance between the Nos. 88 and 90 would be approx. 3.2m. To the south-eastern boundary a distance of approx. 2.6m would be retained.

Location

The property is located at the south-eastern end of Malmaison Way close to the junction with Bushey Way. The street is characterised by detached dwellings of varied design mostly dating from the 1920-50's set within an attractive tree-lined setting. The property falls within Park Langley Area of Special Residential Character (ASRC) and is described within the Unitary Development Plan (UDP) as follows:

“...built sporadically between the 1920's and 1950's, whilst not of the same exceptional standard [as the Conservation Area] has the character of a garden estate given by the high quality and appearance of the hedges, walls, fences, and front gardens. The area, which comprises almost exclusively large detached two storey family homes on generous plots ...represents a coherent, continuous and easily identifiable area, which has maintained its character and unity intact.”

Comments from Local Residents

Nearby owners/occupiers were notified of the application and 3 representations were received including a letter from the Park Langley Residents Association (PLRA) which can be summarised as follows:

- PLRA -Proposal would obscure an important space separating the neighbouring property and allowing an open view between buildings and would be seriously detrimental to the street scene
- kitchen window at No.88 would be overshadowed by the proposal
- extension is too large and will dominate No.88
- proposal will severely reduce the light coming into the kitchen and bathroom
- loss of outlook - view from kitchen window will be a vertical wall
- flank window on side elevation is a secondary window and therefore unnecessary
- reduction in the depth of the front gable is minimal and the entire front gable would block out sunlight
- introduction of white rendering to the side elevation is aesthetically inappropriate and will provide little reflected light

Comments from Consultees

No significant trees will be affected by this proposal.

Planning Considerations

In considering the application the main policies are H9, H10, H8 and BE1 of the Unitary Development Plan.

Policy H9 requires a minimum sidespace of 1m in respect of extensions of two or more storeys in height but expects more generous sidespaces where higher standards of separation already exist.

Policy H10 concerns Areas of Special Residential Character, applications in these areas will be required to respect and complement the established and individual qualities of the area.

Policy H8 concerns residential extensions and requires design and layout of proposals to complement scale and form of host dwelling, respect spaces and gaps between buildings where contribute to the character of an area.

Policy BE1 requires a high standard of design in new development generally, and seeks to protect the amenities of the occupants of neighbouring properties.

The principal issues in this case are whether the side extension would appear cramped and overdominant, detrimental to the character and appearance of the Park Langley Area of Special Residential Character and detrimental to the residential amenities of the neighbouring property at No. 88.

In support of the proposal the applicant sets out a number of points as follows:

- by introducing a white rendered finish to the side elevation this will introduce reflected light to neighbouring property
- by reducing the depth of the gable it will be set behind the front elevation of the neighbouring house.

Furthermore, the applicant quotes a number of developments both close by and in the general vicinity which they consider to be comparable developments that set a precedent for the type of development which they wish to achieve including. Developments closest to the application site are considered to be more materially relevant [photo's on file] :

The property on the opposite side of the road at No. 97 is a comparable example. This dwelling was also allowed on appeal in 1995 under planning ref. 94/01368 and was built with a 'cat slide' roof not dissimilar to the application property. A further application under ref. 02/00251 for a first floor side extension and single storey rear extension was later granted under planning ref. 02/00251 and this filled in the gap at first floor level in a similar way as is currently being proposed. In this instance a side space of 1.75m was shown to be retained to the boundary with the neighbouring property at No.97. The flank to flank distance is approx.3.5m.

The property at No.71a had previously been a bungalow and was granted permission in 2004 under ref.04/03714 for a first floor extension to transform it into a house. This property retained a 1m side space the separation to the side elevation of the neighbouring property at No.71 was approx. 2m.

The most recent appeal decision regarding this site relates to an application for a single storey side extension under planning ref. 02/01238. With regards to the character of the area the Inspector noted the following [para. 9]:

“The street scene is characteristically spacious in character. This is due in part to the maintenance of significant side gaps between buildings, partly at upper floor level, though in some instances two-storey flank walls are no more than 1m from the side boundary; the more important factors are the wide roads and generous separation between the fronts of opposing houses.”

With regards to the impact of the proposal on the neighbouring property at No. 88 the Inspector noted [para. 11]:

“Turning to the impact on neighbours, the adjoining house No.88 Malmaims Way has its kitchen window in the flank wall facing the appeal site at a distance of barely 2m. The proposed extension would be only 3m from that window and the long sweep of the extended roof would be a dominant feature. Moreover the outlook from that window would be somewhat reduced by the front and rear projections, the smaller side gap and the new roofline. Nonetheless thanks to the shape of the proposed new roof there would be no undue loss of light or sunlight to the south facing window. Bearing in mind also that the kitchen in question is a working kitchen rather than a habitable room I am not satisfied that the residential enjoyment of No.88 would be so adversely affected by the appeal scheme as to justify my dismissing the appeal on that ground alone.”

In this instance it is considered that the space maintained to the boundary at approx. 1.07m is comparable with other side spaces within the street. In addition the space between the properties at just over 3m is considered adequate considering the location of the property within the ASRC but crucially outside of the Conservation Area. Furthermore, the side space to the south-eastern boundary with No.92 at 2.6m ensures that there is adequate space maintained about the building.

Clearly the proposal will reduce the outlook from the kitchen window however as described by the Inspector this is a “working kitchen” rather than a habitable room. The kitchen does opens out onto a “habitable” dining area but this area gains light and outlook from the french style doors which lead out onto the garden patio.

Planning History

92/01672/OUT LAND ADJOINING 92 MALMAIMS WAY BECKENHAM
BR3 2SF
DETACHED TWO STOREY DWELLING WITH INTEGRAL GARAGE
OUTLINE PER 23.09.1992
94/0588/FUL LAND ADJOINING 92 MALMAIMS WAY BECKENHAM
BR3 2SF
DETACHED TWO STOREY FIVE BEDROOM HOUSE WITH INTEGRAL
GARAGE
REF 22.06.1994

94/01855/FUL LAND ADJOINING 92 MALMAINS WAY BECKENHAM
BR3 2SF

DETACHED TWO STOREY FOUR BEDROOM HOUSE WITH ATTACHED
GARAGE RETROSPECTIVE APPLICATION PER 22.09.1994

95/01433/FUL GREENHOUSE SUMMER HOUSE AND SHED
RETROSPECTIVE

APPLICATION PER 02.08.1995

02/01238/FULL1 Single storey side/rear extension and single storey rear
extension for conservatory REF 15.05.2002

03/01919/FULL1 Single storey side/rear extension and single storey rear
extension for conservatory (amendment to scheme permitted under ref. 02/01238,
alteration to roof design) PER 02.07.2003

Application ref. 94/00588 would have resulted in a dwelling similar to that now on
site and was refused because of its impact on the ASRC.

Application ref. 02/01238 proposed an extension that in effect resulted in an
enlarged property similar to that previously refused under ref. 94/00588. However,
this extension was allowed on appeal and was subsequently completed.

Conclusions

It is considered that the proposal in terms of its impact on the street scene is
comparable with nearby development. The 3m space between properties is also
considered to be sufficient to maintain the character of this area in fact.

The outlook from the kitchen window would be reduced and it would also be
likely that there would be some loss of light however this would be to a non
habitable working kitchen and this impact alone is not considered on balance to
be so severe to warrant refusal of this application on this basis.

Background papers referred to during production of this report comprise all
correspondence on files refs. 10/02118,/ 02/01238, 02/00251, 04/03714 and
94/0588, excluding exempt information.

as amended by documents received on 24.09.2010 14.01.2011

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACC01 Satisfactory materials (ext'nl surfaces)
ACC01R Reason C01
- 3 ACI17 No additional windows (2 inserts) north-western first floor
side extension
ACI17R I17 reason (1 insert) BE1
- 4 ACI11 Obscure glaz'g/details of opening (1 in) in the north-
western flank elevation

	ACI11R	Reason I11 (1 insert)	H8			
5	ACI12	Obscure glazing (1 insert)	in	the	north-western	flank
		elevation				
	ACI12R	I12 reason (1 insert)	H8			
6	AJ02B	Justification UNIQUE reason OTHER apps				

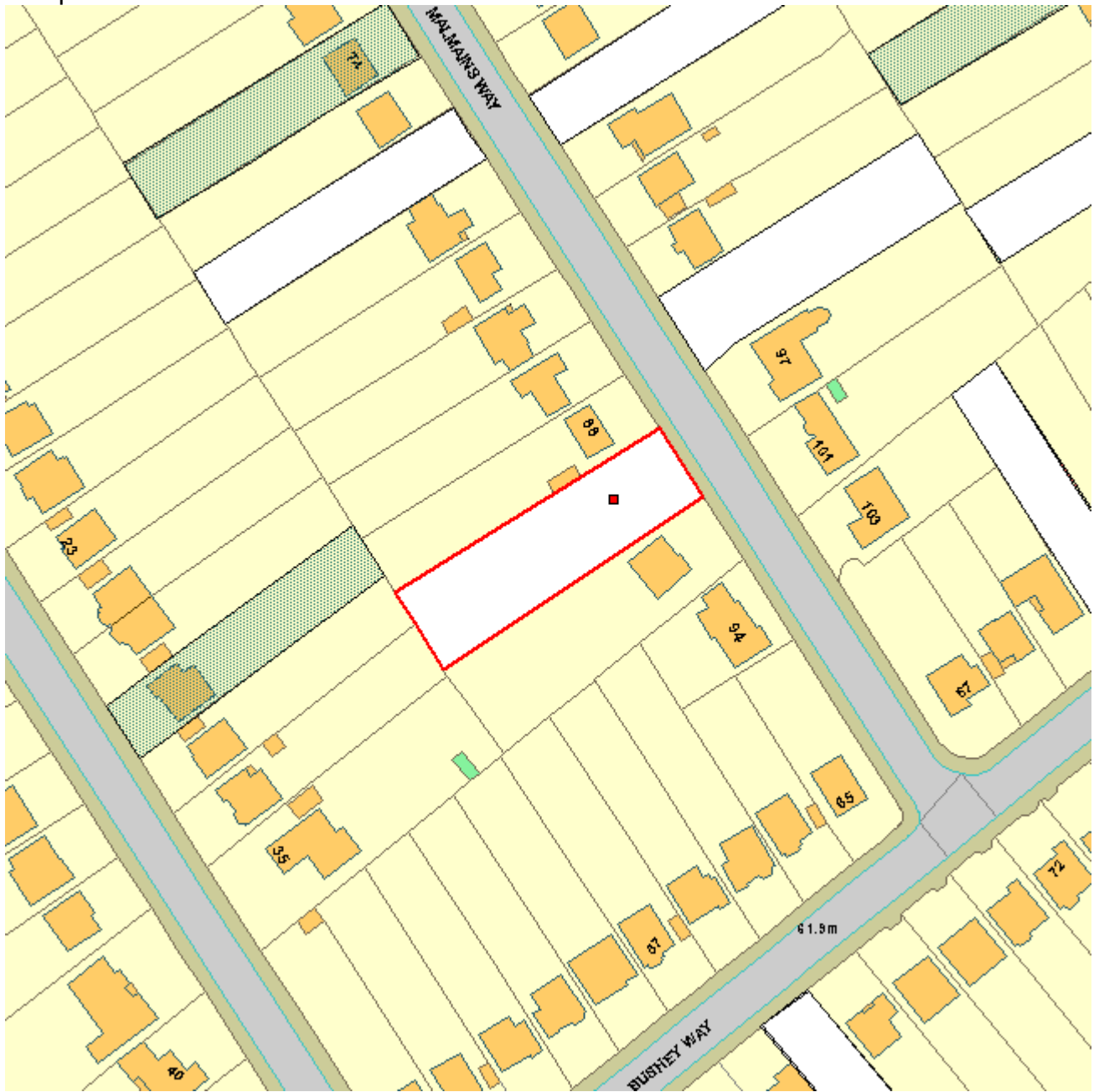
Policies (UDP)

BE1 Design of New Development

H8 Residential Extensions

H10 Areas of Special Residential Character

Reference: 10/02118/FULL6
Address: 90 Malmaims Way Beckenham BR3 6SF
Proposal: First floor side extension



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