

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

Application No : 11/00661/FULL1

Ward:
Darwin

Address : 9 Moselle Road Biggin Hill TN16 3HS

OS Grid Ref: E: 542550 N: 158334

Applicant : Mr & Mrs D Harriott-Gayle

Objections : YES

Description of Development:

Revision to application ref: 08/03708 allowed at appeal to incorporate two 2 storey rear extensions to both semi-detached houses

Key designations:

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

Proposal

Permission is sought to add a two storey rear extension to the pair of (unimplemented) semis which were originally permitted in 2009. The extensions will be located centrally, projecting 3.0m beyond the rear elevation of the semis and projecting 2.0m either side of the central boundary (a total of 4.0m wide). The extension will rise to a height of approximately 5.7m.

Location

The application site is located along the northern side of Moselle Road and is occupied by a detached bungalow. The houses along the road vary in appearance, although those either side of the application site comprises detached bungalows.

Comments from Local Residents

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

- properties are too large for the plots
- development will be visually dominant
- loss of light to neighbouring houses

- extended houses will significantly exceed the size of the houses dismissed at appeal in 2008
- development will harm the character of the area
- dwellings will be extended further if this extension is approved
- development could constitute 'garden grabbing'
- attempt to by-pass earlier appeal refusal
- the Council should remove any permitted development rights concerning this property
- application adds no material benefit to the existing scheme as already approved

Comments from Consultees

Not applicable

Planning Considerations

Policies BE1 and H7 of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design which complements the qualities of the surrounding area; and to safeguard the amenities of neighbouring properties.

Planning History

Planning permission was originally refused for two detached houses on this site under refs. 07/02820 and 07/04315, the latter being dismissed at appeal in 2008.

Permission was granted for a pair of two storey 3 bedroom semi detached houses with attached garages at appeal under ref. 08/03708.

More recently, under ref. 10/03385 a Certificate of Lawfulness for a Proposed Development was sought for a one/two storey rear extension to either side of the approved dwelling. However, that application remains undetermined since permitted development rights do not exist where new dwellings remain substantially incomplete (in this case no building work has commenced).

Conclusions

Since the bulk and principle of the dwellings which are the subject of this application have been allowed at appeal, the key consideration relates to the two storey extensions which are sought for both the approved houses.

Taking into account its siting and overall size it is not considered that the proposed extension will adversely affect neighbouring amenity; the proposed extension will maintain a minimum 9.0m separation to the flank boundaries either side, and this will largely be obscured by the (already approved) host building.

Whilst objections have been raised by local residents at the resultant scale of the proposed development and, in particular, on the basis will be likely to be a size similar to the development which was dismissed at appeal in 2008, Member should

appreciate that each proposal should be considered on its individual merits (in this case this development relating solely to the central two storey addition) and not take into account any subsequent additions which may be constructed under permitted development rights. Member should note that whilst some permitted development rights were restricted by the Planning Inspector in the 2009 appeal, these were not withdrawn in respect of rear extensions and, as such, there will be scope for the houses to be extended under the General Permitted Development Order once completed which the Council would be unable to resist.

Background papers referred to during production of this report comprise all correspondence on files refs. 07/02820, 07/04315, 10/03385 and 11/00854, excluding exempt information.

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'n'l surfaces)
ACC01R Reason C01
- 3 ACA04 Landscaping Scheme - full app no details
ACA04R Reason A04
- 4 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.
ACA07R Reason A07
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings other than those expressly authorised by this permission (except windows which are both obscure glazed and have no openings below 1.7m above floor level) shall be constructed on the flank elevations of the dwellings hereby approved without obtaining planning permission from the local planning authority.
ACI14R I14 reason (1 insert) BE1
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration shall be made or constructed on the flank elevations of the dwellings hereby approved without obtaining planning permission from the local planning authority.
ACI14R I14 reason (1 insert) BE1
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement of or alteration to the roof of the dwellings permitted by Class B or C of Part 1 of Schedule 2 to

the Order shall be carried out without obtaining planning permission from the local planning authority.

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| | ACI14R | I14 reason (1 insert) | BE1 |
| 8 | ACH03 | Satisfactory parking - full application | |
| | ACH03R | Reason H03 | |

Reasons for permission:

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

- | | |
|-----|----------------------------|
| BE1 | Design of New Development |
| H7 | Housing Density and Design |

The development is considered satisfactory in relation to the following:

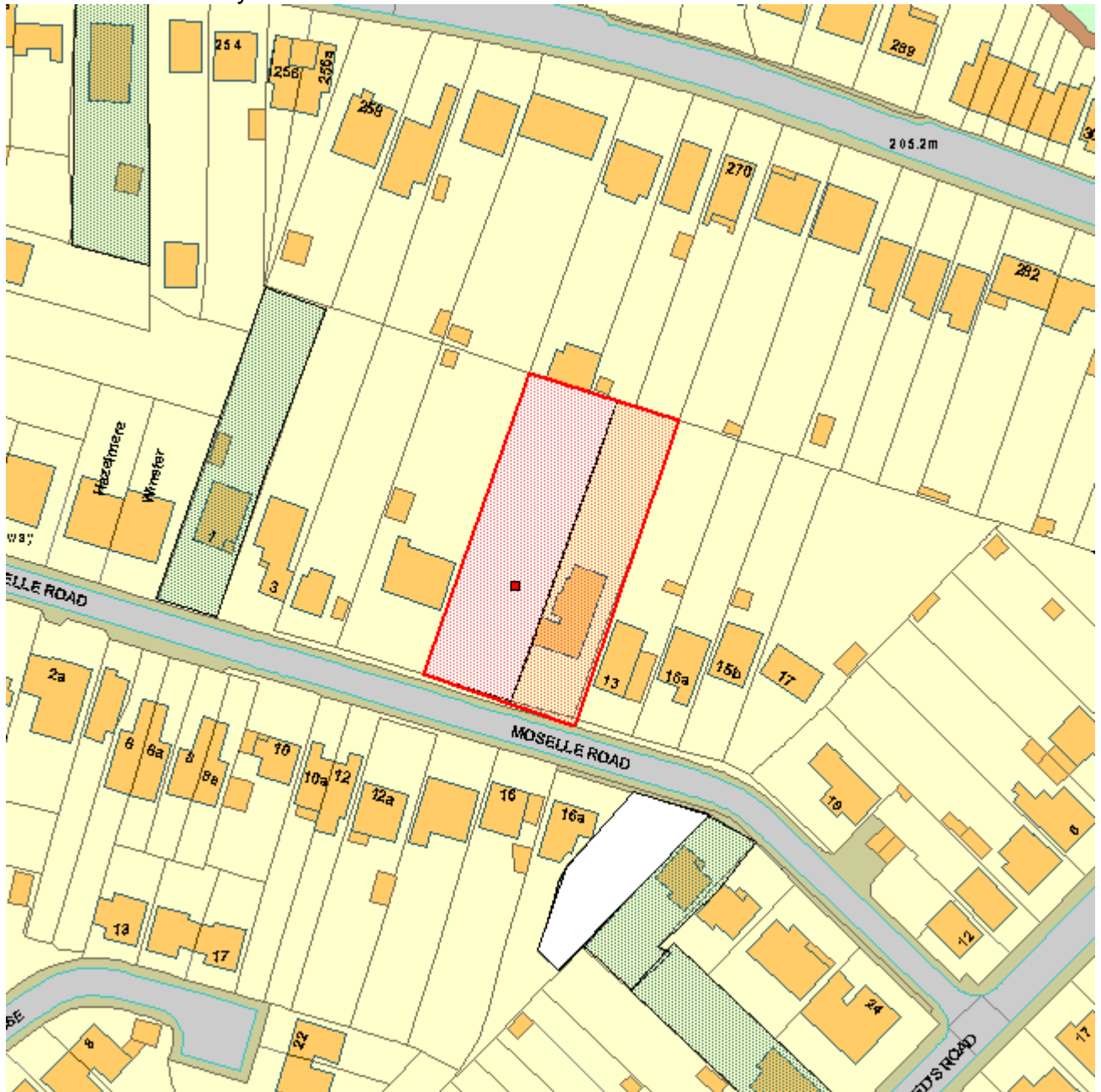
- (a) the appearance of the development in the street scene;
- (b) the relation of the development to the adjacent property;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the privacy of occupiers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

and having regard to all other matters raised.

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