

PLANNING APPLICATIONS COMMITTEE 17 JANUARY 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P3736	04/10/2018
Address/Site	28 New Barns Avenue Mitcham CR4 1RE
Ward	Pollards Hill
Proposal:	Retention of rear roof extension and the raising of the chimney stack
Drawing Nos	MBSDS5898/2, 3, & 4 received 29/11/2018 (amended 29/11/2018) & site location plan
Contact Officer:	Joyce Ffrench (020 8545 3045)

RECOMMENDATION: Grant Permission

CHECKLIST INFORMATION

- Heads of Agreement: Not required
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 2
- External consultations: No
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee at the request of Councillor Whelton.
- 1.2 Since construction the site has been the subject of visits by the Development and Building Control Manager, 2 Enforcement Officers, a Building Control Officer and the Case Officer.

2. SITE AND SURROUNDINGS

- 2.1 The property is a mid-terrace residential dwelling which has a dropped kerb and a front garden which is paved to accommodate off-street parking. It has been extended with a rear roof extension and two front rooflights and the chimney stack has been raised.
- 2.2 The two front rooflights on the front roof slope are permitted development.
- 2.3 Several nearby properties have rear roof extensions e.g. Nos 6, 12, 16, 20 & 40 New Barns Avenue and No.21 Beech Grove. These have been built under 'permitted development'.
- 2.4 The site is not located in a conservation area.

3. CURRENT PROPOSAL

- 3.1 The application seeks planning permission for the retention of the rear roof extension which was not deemed to be permitted development (See paragraph 4.1 below). The application also seeks retention of the altered chimney stack on the rear roof slope and which abuts the side of the roof extension and straddles 26 and 28 New Barns Avenue. The remodeled chimney stack rises 1m above its former height (13 courses of bricks) and terminates 0.64 m (8 courses of bricks above the flat roof of the roof extension). The chimney stack rises approximately 0.5m above the ridge line of the terrace.
- 3.2 Facing materials for the roof extension match existing.

4. PLANNING HISTORY

- 4.1 18/P2610 - Application for a lawful development certificate in respect of an existing rear roof extension; 2 front rooflights – refused

Reason for refusal:- The rear roof extension, by reason of insufficient set back from eaves, would not comply with the permitted development tolerances set out in Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) (England) Order 2015. Planning permission would therefore be required.

5. CONSULTATION

- 5.1 Site notice and individual letters to neighbouring occupiers followed by a re-consultation with neighbours on receipt of amended plans. One letter of representation has been received, objecting on the following grounds:

- Raised height of chimney stack affects the streetscene, is considered an eyesore and creates a shadow;
- Plans do not illustrate dimensions;
- The rest of the text in the letter of objection relates to Building Control issues.

6. **POLICY CONTEXT**

6.1 LDF Core Planning Strategy (July 2011)

CS14 Design

6.2 Sites and Policies Plan and Policies Map (July 2014)

DM D2 Design considerations in all developments

DM D3 Alterations and extensions to existing buildings

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations are the design, the impact on the character of the area and neighbour amenity.

7.2 Policies DMD2 and DMD3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 provides the strategic backstop to this SPP Policy. Planning permission should be granted if it is considered that the proposals accord with the Council's adopted planning policies.

7.3 Notwithstanding the need to apply adopted planning policies when assessing a proposal, officers consider the key test to assessing the acceptability or otherwise of the roof extension is whether harm has arisen as a result of the unauthorized development, and to compare and contrast what could be built as permitted development and what has in fact been built.

7.4 Notwithstanding other volumetric criteria set out in the GPDO (2015), in order to be "permitted development" for a roof extension the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves;

7.5 The measurement of 0.2 metres should be made along the original roof slope from the outermost edge of the eaves (the edge of the tiles or slates) to the edge of the enlargement. Any guttering that protrudes

beyond the roof slope should not be included in this measurement.

- 7.6 Officers advise that the roof extension has been inspected and the measurement of the enlargement closest to the eaves is between 14 and 16cms. The difference between what could be built as permitted development and what has been built is small (little more than a 4-6 cm encroachment closer to the eaves). While the extension does not adhere to permitted development criteria, as there is very little set back from eaves, other aspects of the design blend in with the host dwelling with the extension being tile clad and with windows similar to those on the ground and first floors.
- 7.7 Overall, the rear roof extension appears similar to others erected on the rear roof slopes of houses nearby, where an almost imperceptible difference in set back from the eaves makes them permitted development. It is considered that the design and appearance of the roof extension satisfies adopted policy and that it would be unreasonable to refuse permission and to pursue enforcement action.
- 7.8 Class G of the GPDO permits the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse. Works are not permitted development if the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more.
- 7.9 Officers consider that the remodeled chimney stack on the rear roof slope falls within the scope of permitted development. Officers would however add that while the enlarged stack may be glimpsed from the front of the property on New Barns Avenue, it is considered that it is neither unduly high nor detrimental to the streetscene or the character of the area. The enlarged chimney stack blends in with the roofscape to the rear of the property and while different in dimensions to others in the terrace it is considered that it does not give rise to harm to the visual amenities of neighbours.
- 7.10 The proposed development is considered to be acceptable in terms of visual amenity and the character of the area and is considered to comply with Policies DM D2 and DM D3 in this regard.

Other matters

- 7.11 The majority of issues raised by objectors relate to the Building Regulations. Other concerns that may arise associated with the adherence or otherwise to the Building Regulations are not planning matters and not material to the assessment of the planning application.

8.0 SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9.0 MAYORAL COMMUNITY INFRASTRUCTURE LEVY

- 9.1 The proposed development is not liable to pay the Mayoral Community Infrastructure Levy.

10.0 CONCLUSION

- 10.1 The rear roof extension and enlarged chimney stack are considered to be acceptable in planning terms and, in terms of the roof extension, differ marginally from that which could be erected as permitted development. Officers consider it would appear unreasonable to refuse permission.

RECOMMENDATION: GRANT PLANNING PERMISSION

[Click here](#) for full plans and documents related to this application.

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