



**PART 6: Planning Applications for Decision****Item 6.2**

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**1 APPLICATION DETAILS**

Ref: [16/00881/P](#) (*link to documents on the Planning Register*)  
Location: 56 Hartley Old Road, Purley, CR8 4HJ  
Ward: Kenley  
Description: Erection of replacement detached garage at rear  
Drawing Nos: 56HR P200 Rev B, 56HR 201, P1-001  
Applicant: Mr Wilkshire  
Agent: Mr Dean  
Case Officer: Hayley Crabb

- 1.1 This application is being reported to committee because the ward councillor (Cllr O'Connell) made representations in accordance with the Committee Consideration Criteria and requested committee consideration.

**2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposal is in accordance with guidance provided in the Council's Supplementary Planning Document No. 2: Residential Extensions and Alterations (SPD2).
- 2.2 The detached garage would not have a detrimental impact on the appearance of the existing building, the character of the area, or the residential amenity of adjoining nearby occupiers.
- 2.3 The garage would use an existing vehicular access. The garage would not be prejudicial to highway safety.

**3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission.
- 3.2 That the Director of Planning and Strategic Transport is delegated authority to issue the planning permission and impose conditions and informative(s) to secure the following matters:

**Conditions**

- 1) In accordance with the approved plans
- 2) Restrict side facing windows
- 3) Materials as specified in the application
- 4) Works completed within 6 months
- 5) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

**Informatives**

- 1) Removal of site notices
- 2) Party Wall Act

- 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 An application for full planning permission for the erection of a replacement detached garage at rear.
- The detached garage would be set back 2.0m from the boundary.
  - The front part of the garage would have a flat roof with a maximum height of 2.5m from ground level to the top of the roof from no. 56 (approximately 2.7m from the ground level from no. 30 Hartley Way due to the differing land levels).
  - The rear section of the garage would have a pitched roof with a maximum height of 4.0m from ground level to the top of the roof from no. 56 (approximately 4.2m from the ground level from no. 30 Hartley Way due to the differing land levels).
  - The garage would be rendered and painted white with a pitched roof of plain tiles to match the existing.
- 4.2 A Lawful Development Certificate was granted in July 2014 for the erection of extension to detached garage at rear (application reference number 14/01931/LP). Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 states the development is not permitted by Class E if the height of the building, enclosure or container would exceed 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the dwellinghouse and the height of the eaves of the building would exceed 2.5 metres.
- 4.3 The garage is within 2 metres of the boundary with the pitched roof of the garage approximately 4m in height and therefore exceeds 2.5m. The extension therefore falls outside the scope of permitted development and requires planning permission. The maximum height of the detached building is 2.5m taken from the ground level at no. 56 Hartley Old Road and the building/roof has a maximum height of 4m in height taken from the ground level at no. 56 Hartley Old Road. The detached garage is approximately 2.7m in height from the ground level to the top of the flat roof and approximately 4.2m from ground level to the top of the pitch taken from no. 30 Hartley Way due to the differing land levels.

### **Site and Surroundings**

- 4.4 The application site is occupied by two storey detached house situated on the corner of Hartley Old Road and Hartley Way. The property has been extended from original with a single/two storey side extension adjacent to the road, the erection of a single storey rear extension with raised patio area, a dormer extension in the rear roof slope and the detached garage which is under construction. There have also been proposals to erect an additional detached building incorporating a swimming pool in the rear garden which is the subject of a planning appeal.

- 4.5 There are differing land levels at rear with the garage set at a lower land level than the main garden which appears to have been levelled. There is hedging along the boundary with the road and close boarded fencing along the boundary between No. 56 and No. 58.
- 4.6 The surrounding area consists of predominately large detached houses of varying sizes and styles.

### **Planning History**

- 4.7 The following planning decisions are relevant to the application:

13/03280/P Alterations; erection of single/two storey side extension, raised patio area at rear and dormer extension in front roof slope.

**Approved and implemented**

13/03307/LP Erection of dormer extension in rear roof slope and single storey detached building for use as a swimming pool enclosure.

**Certificate Refused**

14/00410/LP Erection of extension to detached garage at rear.

**Certificate Refused.**

14/01931/LP Erection of extension to detached garage at rear.

**Certificate Granted. Not being built in accordance with the Lawful Development Certificate.**

14/02200/DT Alterations; erection of single/two storey side extension, raised patio area at rear and dormer extension in front roof slope (amendment to planning permission 13/03280/P)

**Approved and implemented**

14/02961/DT Alterations; erection of single/two storey side extension, raised patio area at rear and dormer extension in front roof slope (amendment to planning permission 13/03280/P)

**Approved and implemented**

14/02989/P Alterations and retention of dormer extension in rear roof slope.

**Refused**

14/03240/P Erection of single storey rear extension to include swimming pool.

**Refused**

14/04706/LP Erection of dormer extension in rear roof slope.

**Approved and implemented**

15/01554/LP Erection of single storey detached building at rear for use as swimming pool.

**Certificate Refused**

15/04722/LP Erection of a single storey detached outbuilding to accommodate a swimming pool.

**Certificate Refused. The application was subject to a planning appeal which was allowed.**

## **5 CONSULTATION RESPONSE**

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

## **6 LOCAL REPRESENTATION**

6.1 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 6    Objecting: 6    Supporting: 0

6.2 The following local groups/societies made representations:

Hartley and District Residents' Association [Objecting]

6.3 The following Councillor made representations:

- Councillor Steve O'Connell [objecting]

6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

### **Objections**

- Loss of light/natural light
- Too close to footpath
- Inappropriate size, massing and design/no resemblance to the existing garage
- Not built in accordance with the approval 14/01931/LP (OFFICER COMMENT: As it is not being built in accordance with the lawful development certificate, the Local Authority can determine the application based on its impact upon the street scene, character of the area and impact on neighbouring properties)
- Out of keeping with building lines/other garages on that road/protruding the path/does not resemble the existing garage
- Large brick wall out of keeping

6.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Setting a precedent (OFFICER COMMENT: Each application is judged on its own individual merits)
- Additional structures erected (OFFICER COMMENT: The Planning Enforcement Team will investigate this matter)
- Should re-instate garage and front boundary treatment for 30 Hartley Way. (OFFICER COMMENT: There is no planning requirement to re-instate the garage or front boundary treatment)
- Location of the gable on the garage and door/building not in accordance with plans (OFFICER COMMENT: The gable (pitched roof) has been amended. It is

recommended in the event planning permission be granted that the applicant has sufficient time to carry out the necessary changes in order for the development to be in compliance with the approved drawings)

- Not consulting with neighbours/nuisance/undertaking unauthorised works (OFFICER COMMENT: It is the decision of the applicants whether they consult with their neighbours. With regards to undertaking works prior to gaining planning consent, this is done at the owners own risk as there is no guarantee that planning permission would be granted. The application is judged in line with adopted planning policy)
- Other examples of garages in the locality (OFFICER COMMENT: Each application is judged on its own individual merits)

## **7 MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

1. The impact on the character and appearance of the area and the visual amenity of the street scene
2. The impact on the amenities of the occupiers of the adjoining and neighbouring properties
3. Highway implications

### **The impact on the character and appearance of the area and the visual amenity of the street scene**

- 7.2 London Plan 2011 (Consolidated with alterations since 2011) policies 7.4 and 7.6 state that new development should reflect the established local character and should make a positive contribution to its context. Policies SP4.1 and SP4.2 of the Croydon local Plan: Strategic Policies 2013 require development to be of a high quality respecting and enhancing local character and informing the distinctive qualities of the area. Policy UD2 and UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2-13 require proposals to reinforce the existing development pattern and respect the height and proportions of surrounding buildings. Supplementary Planning Document No. 2: Residential Extensions and Alterations (SPD2), requires extensions to be in good design, to improve the character and quality of an area. SPD2 was formally adopted by the Council on the 6<sup>th</sup> December 2006 following public consultation and forms a material planning consideration.
- 7.3 Hartley Way is characterised by detached houses of varying sizes and designs, set at differing land levels due to the topography of the area. No. 56 Hartley Old Road is elevated due to no. 30 Hartley Way being set at a lower land level in relation to no. 56 Hartley Old Road.
- 7.4 The property is situated on a corner plot in a prominent location on the corner with Hartley Way. The side wall of no. 56 Hartley Old Road projects beyond the front building line established by no. 30 Hartley Way. The garage extension of no. 56 follows the building line of the existing house, which has resulted in the garage projecting in front of no. 30 Hartley Way's front wall.
- 7.5 There is a high hedge along the side boundary of the site fronting Hartley Way. Due to the siting and height of the hedge and the detached garage set back 2.0m from the

boundary the garage would not be readily visible as you approach from Hartley Old Road. However the building is visible as you approach from Hartley Down, up Hartley Way due to the garage projecting in front of no. 30 Hartley Way.

- 7.6 The detached garage is currently under construction. The submitted drawing shows the building projects in front of the established building line of no. 30 Hartley Way, set back 2.0m from the boundary fronting Hartley Way. The front projection has a flat roof, with the pitched roof approximately level with the front of no. 30 Hartley Way. The walls would be rendered and painted white.
- 7.7 The submitted drawing shows the maximum height of the detached building is 2.5m taken from the ground level at no. 56 Hartley Old Road and the building/roof has a maximum height of 4.0m taken from the ground level at no. 56 Hartley Old Road. The detached garage is approximately 2.7m in height from the ground level to the top of the flat roof and approximately 4.2m from ground level to the top of the pitch taken from no. 30 Hartley Way due to the differing land levels. The wall of the garage is approximately 0.5m higher than the eaves on the existing garage as taken from the land level at no. 56 Hartley Old Road. The pitched roof which was on the existing garage has been removed and the wall increased in height by approximately 0.6m from the ground level to the top of the roof (not to the top of the pitch) as taken from no. 30 Hartley Way and a pitched roof erected on top which projects approximately 1.2m in front of where the existing roof was located.
- 7.8 A lawful development certificate (14/01931/LP) has previously been granted for an extension to the front of the existing garage. This garage extension included a car port with a flat roof set back approximately 1.5m from the boundary with the road. However, the majority of the existing garage has been demolished and a larger detached building erected with a different design.
- 7.9 Whilst the garage projects in front of no. 30 Hartley Way, it is considered in this instance, given the approved lawful development certificate and the overall size, siting and design of the detached garage (which is not significantly different to the lawful development certificate), it is deemed the development is not so detrimental to the visual amenity of the street scene and the character of the area as to withhold planning permission in this instance.
- 7.10 The development is in accordance with the intentions of policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013, Policies SP1.2, SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies 2013, Supplementary Planning Document No 2 on Residential Extensions and Alterations and Policy 7.6 of the London Plan 2011 (consolidated with alterations since 2011).

### **Impact on the amenities of the occupiers of the adjoining and neighbouring properties**

- 7.11 Policy SP4.2 of the Croydon Local Plan: Strategic Policies 2013 requires development to enhance social cohesion and well-being. Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 relates to Protecting Residential Amenity and requires the Council to have regard to the privacy and amenity of the occupiers of surrounding buildings when considering proposals for extensions and alterations of existing buildings. Supplementary Planning Document No 2 on Residential Extensions which is also of

relevance which was formally adopted by the Council on the 6th December 2006 following public consultation and forms a material planning consideration.

- 7.12 The garage is located adjacent to the boundary with no. 30 Hartley Way. No. 30 Hartley Way is set at a lower land level and has a window at the side serving a kitchen/diner. This room also has a rear facing window. Part of the existing garage wall has been retained adjacent to the boundary with no. 30 but has been increased in height by approximately 0.3m (0.6m from ground level to the top of the roof) and the pitch projecting approximately 1.5m beyond the front of the pitch on the existing garage. Due to the increase in height of the walls the pitch does not project higher than the existing garage roof.
- 7.13 Given the height and form of the existing garage, the full back permitted development position and the modest increases beyond that, once the walls have been rendered and painted the development would not be significantly different from that approved under 14/01931/LP. Whilst there would be a degree of loss of light to the side window of no. 30's kitchen/diner, this is a secondary window also served by a rear facing window, so the harm would not be unacceptable.
- 7.14 It is therefore considered the development would not have a significant effect on the amenities of no. 30 as to withhold planning permission and therefore considered the development would be in accordance with the intentions of Policy UD8 of the replacement Unitary Development plan (The Croydon Plan 2006) Saved Policies 2013, Supplementary Planning Document No. 2 on Residential Extensions and Alterations and Policy 7.6 of the London Plan 2011 (consolidated with alterations since 2011).

### **Highway Implications**

- 7.15 Policy 6.13 of the London Plan indicates that a balance should be struck between promoting development and preventing an excessive parking provision. Policies T8 and T2 of the Croydon Plan (2006) Saved Policies 2013 respectively require development to make appropriate provision for car parking on site and to ensure that traffic generated does not adversely affect the efficiency of nearby roads. Policy UD13 of The Croydon Plan 2006 Saved Policies 2013 states parking should be safe, secure, efficient and well designed and an integral part of the scheme.
- 7.16 Given the existing vehicular access is to be used and Hartley Way is not a classified road, it is considered the garage would not have a significant effect on pedestrian/highway safety as to warrant a refusal. Visibility splays could be secured by way of a planning condition.
- 7.17 It is therefore recommended planning permission be granted.

### **Conclusions**

- 7.18 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.