

**Alleged Unauthorised Development**

**East Peckham**

**15/00347/WORKM**

**566789 148601**

Hadlow And East  
Peckham

Location: 5 and 7 Old Road East Peckham Tonbridge Kent TN12 5AT

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**1. Purpose of Report:**

- 1.1 To report an alleged breach of planning control relating to the unauthorised construction of an extension to the building consisting of a roof and supporting structure on top of an existing wall allowed by planning permission TM/13/02336/FL (Retrospective application to raise balcony wall at rear of property by 1100mm and install fire escape from premises) to create a covered balcony above an existing single storey part of the building on the rear elevation of 5 and 7 Old Road.

**2. The Site:**

- 2.1 The site is on the north eastern side of Old Road approximately 15 metres south of its junction with The Freehold. The property consists of a modern two storey building with Chinese take away and a Fish and Chip take away (5 and 7 Old Road respectively) on the ground floor and residential accommodation on the first floor that forms a house in Multiple Occupation. There is a shared car parking area to the rear which has access from Old Road by a roadway to the south east side of the building. There are residential properties that front onto The Freehold, which adjoin the parking area to the north and east.

**3. History relevant:**

- 3.1 TM/68/10538/OLD Grant with Conditions 13 November 1968  
Use of unit 2 as a fried fish shop, erection of store at rear and a new shop front for W. H. Heal (Holdings) Ltd.

TM/02/02335/FL Grant with Conditions 10 February 2003  
Change of use from A1 to A3 AT 1 Old Road and provision of single storey rear extension to provide access link (to rear of 1, 5 and 7).

TM/03/03128/FL Grant with Conditions 23 December 2003  
Amendment to application TM/02/02335/FL to increase the width of the access link extension by 1172mm (approx.).

TM/13/02336/FL Approved 2 October 2013  
Retrospective application to raise balcony wall at rear of property by 1100mm and install fire escape from premises.

TM/15/03447/FL      Refused      21 December 2015  
Retrospective application for first floor covered balcony to the rear of first floor living accommodation.

**4. Alleged Unauthorised Development:**

- 4.1 Without planning permission, the unauthorised construction of an extension to the building consisting of a roof and supporting structure on top of an existing wall allowed by planning permission TM/13/02336/FL (Retrospective application to raise balcony wall at rear of property by 1100mm and install fire escape from premises) to create a covered balcony above an existing single storey part of the building on the rear elevation of 5 and 7 Old Road.

**5. Determining Issues:**

- 5.1 In 2013 a retrospective planning permission (TM/13/02336/FL) was granted to raise a low parapet wall to the roof of an existing single storey part of the building on the rear elevation by 1100mm to create a balcony and to install a series of timber fire escape stairs to provide a secondary means of escape for the occupants of the first floor residential accommodation. These works were installed under the requirements of the Housing Act 2004 – Housing Health and Safety Rating System (HHSRS).
- 5.2 This report relates to the installation of a lean-to felted roof structure on white painted timber supports that extends along the full width of the building to cover the balcony area at first floor level on the rear elevation. The structure has been constructed on top of the wall permitted by planning permission TM/13/02336/FL with the rafters of the new roof structure fixed to the fascia of the existing roof. There are two openings in the wall to allow access to the two sets of white painted timber fire escape stairways (also permitted by planning permission TM/13/02336/FL), which then merge to a single stair on top of the existing single storey link extension approved by planning permission TM/03/03128/FL to the ground floor.
- 5.3 The retention of the structure is unacceptable in planning terms because its height, bulk and proximity to The Freehold cause harm to the character, appearance and residential amenity of the area. The development is clearly visible from The Freehold and its contrived design has a detrimental impact on the character and visual amenity of the street scene. In addition to it being overbearing to neighbouring properties and their gardens, the overlooking from the elevated covered/enclosed balcony area into the small private amenity areas of 2A The Freehold is unacceptable. The enclosure of the balcony area to effectively create a partially enclosed room means that it will be used more frequently and the feeling of loss of privacy is significant. The intervening distance between the enclosure and the amenity area of that property is such that it is confined to the same side as the unauthorised structure. In the light of these concerns retrospective application TM/15/03447/FL was refused planning permission on 21 December 2015.

5.4 The extension was constructed in September 2015 and therefore within the last four years. The siting, design, form and bulk of the covered balcony extension is detrimental to the character, appearance and visual amenities of the area and is therefore contrary to Policies CP1 and CP24 of The Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Managing Development and the Environment Development Plan Document 2010. In addition the siting, design, form and bulk of the covered balcony extension is detrimental to the amenities of the residents of the adjoining property, 2A The Freehold, by reason of being overbearing, harmful to their outlook and increased loss of privacy. It is therefore contrary to Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007. The imposition of planning conditions will not overcome the detrimental effects on amenity of make the development acceptable. In these circumstances it is considered appropriate to take enforcement action to secure the removal of the unauthorised development.

**6. Recommendation:**

An Enforcement Notice **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services, requiring the removal of the unauthorised development.

Contact: Gordon Hogben