



THE LONDON BOROUGH
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DATE: 3 July 2018

To: Members of the
PLANS SUB-COMMITTEE NO. 4

Councillor Richard Scoates (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Marina Ahmad, Gareth Allatt, Peter Dean, Kate Lymer, Robert Mcilveen,
Russell Mellor and Michael Turner

A meeting of the Plans Sub-Committee No. 4 will be held at Bromley Civic Centre on
THURSDAY 12 JULY 2018 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have:-

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

**To register to speak please telephone Democratic Services on
020 8461 7566**

If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956 or e-mail planning@bromley.gov.uk

Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.

*Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>*

A G E N D A

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- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 17 MAY 2018**
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(Applications meriting special consideration)

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Report No.	Ward	Page No.	Application Number and Address
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PLANS SUB-COMMITTEE NO. 4

Minutes of the meeting held at 7.00 pm on 17 May 2018

Present:

Councillor Simon Fawthrop (Vice-Chair, in the Chair)
Councillors Marina Ahmad, Kira Gabbert, Kate Lymer,
Russell Mellor, Alexa Michael and Michael Turner

Also Present:

Councillors Michael Rutherford

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Richard Scoates. In his absence, Councillor Simon Fawthrop acted as Chairman for the meeting.

Apologies for absence were also received from Councillors Gareth Allett and Robert McIlveen; Councillors Kira Gabbert and Alexa Michael attended as their respective substitutes.

An apology for absence was received from Councillor Dean.

2 DECLARATIONS OF INTEREST

No declarations of interest were received.

3 CONFIRMATION OF MINUTES OF MEETING HELD ON 8 MARCH 2018

RESOLVED that the Minutes of the meeting held on 8 March 2018 be confirmed and signed as a correct record.

4 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

4.1 CHISLEHURST CONSERVATION AREA

**(17/04710/ELUD) - August House, Camden Way,
Chislehurst BR7 5HT**

Description of application – Detached single storey outbuilding for use as a swimming pool, gym, deck, changing rooms and coffee rooms incidental to the use of the main dwelling **LAWFUL DEVELOPMENT CERTIFICATE (EXISTING)**.

Members having considered the report and objections, **RESOLVED that A LAWFUL**

DEVELOPMENT CERTIFICATE BE GRANTED as recommended, subject to the condition and informative set out in the report of the Chief Planner.

**4.2
BROMLEY COMMON AND
KESTON**

**(18/00346/FULL1) - 128 Jackson Road, Bromley
BR2 8NX**

Description of application – Demolition of 128-130 Jackson Road and outbuildings and redevelopment of the site with three 3 bedroom, 2-storey detached dwelling houses with associated landscaping, parking, cycle and refuse stores and boundary treatments.

Oral representations in objection to and in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1 The proposal would result in a cramped overdevelopment of the site, out of character with the surrounding area and harmful to the amenities of local residents, contrary to Policies H7 and BE1 of the Unitary Development Plan, Policies 4 and 37 of the draft Local Plan and Policies 7.4 and 7.6 of the London Plan.

**4.3
BICKLEY
CONSERVATION AREA**

**(18/00460/FULL1) - Orchard End, 14 Pines Road,
Bickley, Bromley BR1 2AA**

Description of application – Demolition of existing dwelling and erection of 2 x two storey detached house and erection of detached double garage on land at Orchard End, 14 Pines Road and within part of the garden curtilage at 3 Woodlands Road.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner.

**4.4
BROMLEY COMMON AND
KESTON**

**(18/00887/FULL1) - Log Cabin, Orchard Cottage,
Westerham Road, Keston BR2 6HB**

Description of application – Demolition of existing dwelling and garage and erection of new single storey

contemporary dwelling house of 3 bedroom design with associated parking, access and landscaping.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1 The proposal is inappropriate development which in principle and by reason of its size and siting would have a detrimental impact on the openness of the Green Belt and the purposes of including land within it, for which no very special circumstances are considered to have been demonstrated which would outweigh the harm to the Green Belt by inappropriateness and impact on openness, thereby contrary to Policies G1 and G5 of the Unitary Development Plan, Policies 49 and 52 of the draft Local Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework.

**4.5
COPERS COPE**

(18/01012/FULL1) - 9 St Clare Court, Foxgrove Avenue, Beckenham BR3 5BG

Description of application – Conversion of basement storage into 1 studio flat.

Oral representations in objection to the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1 The proposal by reason of its basement siting, layout, fenestration and the excavation works which would be necessary in order to implement the development, would fail to provide a satisfactory quality of accommodation for future occupiers and would be detrimental to the residential amenities of the neighbouring properties, contrary to Policy BE1 of the Unitary Development Plan, Policy 37 of the draft Local Plan and Policy 7.6 of the London Plan.

**4.6
BROMLEY TOWN
CONSERVATION AREA**

(18/01286/FULL1) - 1-3 Market Square, Bromley BR1 1NA

Description of application – Alterations to the shopfront including installation of new sliding entrance door with associated works to site and elevational alterations.

Oral representations from Ward Member Councillor Michael Rutherford in support of the application were received at the meeting.

It was reported that the Portfolio Holder for Renewal, Recreation and Housing, Councillor Peter Morgan, supported the application.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

SECTION 3

(Applications recommended for permission, approval or consent)

4.7 PLAISTOW AND SUNDRIDGE

(17/05934/RECON) - 76 College Road, Bromley BR1 3PE

Description of application – Removal of Condition 8 of Planning Permission 16/02999/FULL1 for the Change of use from a Café to hot food takeaway (Use Class A5) together with a new shopfront and installation of ventilation ducting to the rear in order to allow a delivery service by push bike only.

Oral representations in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that REMOVAL OF CONDITION 8 BE REFUSED** for the following reason:-

1 The proposal would lead to an unacceptable intensification of the use of the existing access within an area of poor visibility, close to a junction, which would be prejudicial to the free flow of traffic and conditions of safety within the highway which is a London Distributor Road, thereby contrary to Policy T18 of the Unitary Development Plan and Policy 32 of the draft Local Plan.

4.8 PETTS WOOD AND KNOLL

(18/00644/FULL6) - 62 Manor Way, Petts Wood BR5 1NW

Description of application – Loft conversion incorporating rear dormer, front and rear roof lights and barn hip roof extension.

Oral representations in support of the application were received at the meeting.

As Ward Member for Petts Wood, Councillor Fawthrop raised concerns in regard to the Petts Wood Area of Special Residential Character (ASRC). Councillor Fawthrop's comments together with a description of the ASRC can be viewed as an Annex to these Minutes.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1 The proposed roof extension would unbalance the pair of semi-detached dwellings, undermining the distinctive characteristics and rhythm of the street scene, detrimental to the character and visual amenities of the Area of special Residential Character within which the application site is located, thereby contrary to policies H8, H10 and BE1 of the Unitary Development Plan, Policies 6, 37 and 44 of the draft local Plan and Policies 7.4, 7.6 and 7.8 of the London Plan.

**4.9
PETTS WOOD AND KNOLL**

(18/00815/FULL6) - 33 Birchwood Road, Petts Wood, Orpington BR5 1NX

Description of application – Single storey rear extension incorporating replacement balcony and extended patio and loft conversion with side and rear dormers and front and side rooflights.

As Ward Member for Petts Wood, Councillor Fawthrop raised concerns in regard to the Petts Wood Area of Special Residential Character (ASRC). Councillor Fawthrop's comments together with a description of the ASRC can be viewed as an Annex to these Minutes.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1 The proposed side dormer and front roof lights would, by reason of their siting and appearance, result in a form of development that would have a detrimental impact on the character and spatial standards of Petts Wood Area of Special Residential Character, undermining the distinctive characteristics and rhythm of the street scene, thereby contrary to Policies BE1, H8 and H10 of the Unitary Development

Plan, Policies 6, 37 and 44 of the draft Local Plan and Policies 7.4, 7.6 and 7.8 of the London Plan.

**4.10
CHISLEHURST
CONSERVATION AREA**

**(18/01113/RECON) - Ridgeview, Southill Road,
Chislehurst, BR7 5EE**

Description of application – Variation of Condition 3 of permission ref. 14/03055 granted for two storey front and first floor front and part one/two storey front/side/rear extensions to include existing garage and elevational alterations to allow increase in parapet height and elevational alterations.

Oral representations in objection to and in support of the application were received at the meeting.

Members having considered the report, objections and representations, **RESOLVED that VARIATION OF CONDITION 3 BE APPROVED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**4.11
BICKLEY**

**(18/01386/FULL6) - 2 Baylis Place, Bickley,
Bromley BR1 2GB**

Description of application – Side extension with roof accommodation over.

Members having considered the report and objections, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

6 TREE PRESERVATION ORDERS

**6.1
SHORTLANDS
CONSERVATION AREA**

**(18/01258/TPO) - 61 Wickham Way, Beckenham
BR3 2AH**

Description of application – Fell two Oak trees in rear garden. SUBJECT TO TPO 2222 (T1 and T2).

THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.

The meeting ended at 8.25 pm.

Chairman

COUNCILLOR FAWTHROP'S COMMENTS IN REGARD TO ITEM 4.8 - 62 MANOR WAY, PETTS WOOD BR5 1NW AND ITEM 4.9 – 33 BIRCHWOOD ROAD, PETTS WOOD BR5 1NW (both located within the Petts Wood Area of Special Residential Character)

The issue with this application is the impact upon the appearance of the Petts Wood Area of Special Residential Character (ASRC).

As ward Councillors, and I speak for both Cllrs Onslow and Owen as well, we recognise that buildings designed and built in the 1930s will need updating and refreshing to be commensurate with modern day living. However when looking at development it has to be taken in the context that Petts Wood is one of only two outstanding garden suburbs in the whole of Greater London, the other being its more famous counterpart of Hampstead Garden Suburb.

When drawing up the description of the ASRC Councillors and local residents struck a balance between preserving the appearance and character of the area, but allowing appropriate development. Unfortunately in recent times some residents took advantage of the gaps within the planning regulations to make inappropriate additions through Permitted Development Rights within the area. To prevent this degradation of the area, some PD Rights have been removed across the area, namely those with regard to the front roof line and with regard to the frontages. This was to ensure that reasonable development could be undertaken at the rear of the property without impacting the appearance and character of the ASRC.

The rationale behind these moves was to ensure that the appearance of the ASRC remained intact. The description of Petts Wood ASRC lays great store in the rhythm of the street scene and the symmetry between pairs of Semi-detached properties.

It is therefore disappointing that the very report skips over these issues and the history of the area, which is laid out in the ASRC description circulated to members.

The report on page 108 does recognise that the pair of semis will be unbalanced if this proposal goes ahead and recognises that there will be harm to the ASRC the degree of harm is of course a subjective matter, with the transient report writer not understanding the context and history of the area in respect of the degree of harm.

In this case is quite substantial when viewed from the street scene, as the unbalancing effect will be detrimental to the rhythm of the street scene. The plans add a bulk to no. 62 and to the pair of properties leaving them out of kilter within the street scene. This is contrary to policies BE1 H10 and H8, and also policy 44 of the emerging plan (which on this specific policy the inspector has not raised any issues).

Whilst it is recognised that PD was granted in 2017, such permissions no longer automatically flow, as can be seen from the harm done to the ASRC in a short period of time. The other element that needs to be considered is the context of the proposed loft conversion generally within the ASRC. Even if the committee were to find that there is little or no harm from an individual application, taken in the context that if one application is granted all applications must be granted, the cumulative impact of even one misplaced application would in its self-create a harm to the ASRC, the ARSC would be destroyed by the death of a thousand cuts, removing from Greater London one of its two premier Garden Suburb developments. I therefore propose that the application be refused on the grounds stated.

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1.3 Petts Wood:

The original plans for Petts Wood date from the late 1920s and early 1930s. While Houses were built over a number of years, in a number of similar though varied styles, the road layout and plot sizes were established in an overall pattern. Today the layout remains largely intact. Within the overall area the Conservation Areas of the Chenies and Chislehurst Road already stand out.

The plots were originally designed on the garden suburb principle by developer Basil Scruby, with large plot sizes spaciouly placed. The characteristics of the Petts Wood ASRC include an open feel, predicated by low boundaries and visible front gardens, set back from the road; there is also spaciousness between the houses which is of a superior standard. This allows many of the trees and greenery which prevails throughout the area to be seen from the street scene giving the area its open and semi- rural feel in line with the garden suburb principle. This open and suburban aspect of the area underlines the special characteristic of the area. Development which erodes this principle will be resisted.

The separation between building and the rhythm and pattern of the houses adds to the special character. In many cases there is a much wider separation between houses than in other parts of the Borough which demands a higher degree of separation between buildings to maintain the special character, the openness and feel of the area. Where there are pairs of houses that complement the rhythm of the street scene there is also a prevailing symmetry between the houses. This symmetry can also be seen between neighbouring pairs. The plots are set out in such a way that the spacious character is one of a clear detached and semi-detached nature.

The front building and rear building lines are also of importance in defining the area. The buildings are of a 1930s design which adds to the character of the area. Whilst there have been some changes post war this design aspect of the area remains intact and future development should respect this characteristic. The front roof lines are also of a nature which enhances the characteristic of the area being largely untouched by roof extensions and conversions at the front.

The plot sizes and rear gardens are mostly of a size which is commensurate with the Garden Suburb principle and this characteristic also forms part of the amenity value which makes the area special.

When considering future development within the Petts Wood ASRC, the main focus will be on the impact of any proposed development on the ASRC, taking into account the design and spatial standards including the low density of existing development. Proposals which undermine the character, rhythm, symmetry and spatial standards of the area will be resisted unless very special circumstances can be demonstrated. Likewise new dwellings proposed on gardens and infill will also be strongly resisted unless very special circumstances can be demonstrated. In this context special is used in the dictionary sense to mean distinguished from others of the same category, because it is in some way superior or held in particular esteem. For a proposal to meet the very special circumstances test in this context would mean not only an enhancement to the ASRC but a consequence of not undertaking the proposal would undermine the Petts Wood ASRC or risk some form of harm to the ASRC.

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SECTION '2' – Applications meriting special consideration

Application No : 18/02027/FULL6

Ward:

Farnborough and Crofton

Address : 47 Tubbenden Lane, Orpington
BR6 9PW

OS Grid Ref: E: 545370 N: 165479

Applicant : Mrs J Rooprai

Objections : YES

Description of Development:

Part one/two storey side and rear extensions and widened crossover

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 14

Proposal

Planning permission is sought for a part one/two storey side and rear extensions and widened crossover. The proposed extension would project to the side of the existing house by 3.6m and to the rear by 3.1m at single storey. The two storey element of the proposal would project 1.5m beyond the rear wall of the existing house. The proposal includes the extension along the main roof ridge by 3.5m in width and would maintain a hipped roof to match that of the existing house. The application also includes the removal of the existing garage and widening of the existing vehicular access.

The proposed two storey side extension would be constructed up to the south-western boundary at the front, widening out to a side space of 0.3m at the rear.

Location and Key Constraints

The application site comprises a semi-detached dwelling located on the south-western side of Tubbenden Lane, adjacent to a sub-station. The surrounding area is residential, characterised by a mixed of detached, semi-detached and terraced dwellings set within varying sized plots.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no comments were received.

Comments from Consultees

Highways - From a technical highways perspective no objections are raised in principle to the proposal.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

Policy 7.4 Local Character
Policy 7.6 Architecture.

Unitary Development Plan

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space

Emerging Local Plan

Draft Policy 6 Residential extensions.
Draft Policy 8 Side space
Draft Policy 37 General design of development.

Supplementary Planning Guidance

Supplementary Planning Guidance 1 (General Design Principles)
Supplementary Planning Guidance 2 (Residential Design Guidance)

Planning History

There most recent planning history at the site is as follows:

- 08/02287/FULL6- Part one/two storey front/side/rear extension- Refused but later allowed on appeal
- 12/00202/EXTEND Extension of time limit for implementation of permission reference 08/02287 granted for part one/two storey front/side/rear extension

Considerations

The main issues to be considered in respect of this application are:

- Design
- Highways
- Neighbouring amenity
- CIL

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not

undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping. London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies BE1 and H8 are relevant to this application. Policy H8 requires that the design including the scale, form and materials of construction should respect or complement the host dwelling, being compatible with development in the surrounding area. Policy BE1 states that development proposals will be expected to be of a high standard of design and layout and should be attractive to look at, complementing the scale, form, layout and materials of adjacent buildings and areas. Policy H9 is also relevant, stating that the Council will normally require a minimum of 1m side space from the side boundary of the site to be retained in the case of a proposal two or more storeys in height.

The proposed two storey side extension would maintain a hipped roof to the same design as the host dwelling. The overall width would be less than half the width of the main dwelling.

It is noted that the existing garage is to be removed as part of this application and the proposed two storey extension would maintain less than the 1m side space normally sought under Policy H9. However, a two storey proposal was allowed on appeal under ref. 08/02287 and later under ref. 12/00202 as an extension of time. The previous inspector stated that although the proposal would conflict with Policy H9, the "extension of the property as shown would still retain a good impression of space and separation around the property due to the area of open land that adjoins the appeal site". Given that the application site is located adjacent to amenity land and a sub-station, it is not considered that a reduction in spatial standards would arise.

Having regard to the form, scale and siting it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

Whilst the number of bedrooms at the property would increase as a result of the extensions, two cars can be accommodated at the site and there are no technical

objections to the proposal. No objections have been raised with regards to the widening of the existing access.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

Nearby neighbours were notified of the proposal and no representations were received. The proposed two storey extension would be to the side of the property and adjacent to an existing sub-station. Given that this part of the scheme is located at adequate distances from adjoining neighbours it is not considered to be harmful to nearby residential amenities.

The single storey element of the proposal would extend along the shared boundary with No. 45. This neighbour also benefits from a single storey extension and it is not considered that loss of daylight/sunlight would occur.

CIL

The Mayor of London's CIL is a material consideration. CIL is unlikely to be payable on this application although the applicant has not completed the relevant form.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby**

permitted shall as far as is practicable match those of the existing building.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4** Before the development hereby permitted is first occupied the proposed window(s) in the flank roofslope elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

Application:18/02027/FULL6

Address: 47 Tubbenden Lane Orpington BR6 9PW

Proposal: Part one/two storey side and rear extensions and widened crossover



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/00010/FULL6

Ward:
Orpington

Address : 42 Park Avenue, Orpington BR6 9EH

OS Grid Ref: E: 546312 N: 165475

Applicant : Mr S G Puvaneswaran

Objections : YES

Description of Development:

Single storey rear and first floor side extensions.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 29

Proposal

The application seeks planning permission for a single storey rear extension and first floor side extension.

The proposed single storey rear extension will project 4.0m in depth with a width of 8.6m. The extension will have a flat roof measuring 3.4m in height for a depth of 3.0m before pitching down to 2.6m at the eaves. The proposed first floor side extension will project 5.0m in depth and 3.0m in width with windows facing onto the front and rear.

Location

The application site comprises a two storey detached residential dwellinghouse located on the south side of Park Avenue, Orpington. The property is not listed and does not lie within a conservation area.

Comments from Local Residents and Groups

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

- The floor plans show loggia situated at the rear of No.40 as being a permanent structure.
- No. 42 is situated at a higher ground level than No.40 and therefore any rear extension will have a drastic impact on the light received into the home and to the patio.

- The proposed extension would overshadow and restrict the daylight received.
- The proposed will lead to loss of privacy within the home and garden which is in constant use throughout the year.
- The proposed will reduce the light and view from the side bedroom window which is located less than 4ft from the boundary.
- The proposed extension, by reason of its size, height difference, massing and sitting will be over-dominant and detrimental due to its excessive depth.
- The extension represents an un-neighbourly form of development that would have an adverse impact on the amenities enjoyed by all neighbouring properties by reason of its overbearing effect.
- The proposed will result in the loss of all natural lighting received into the kitchen area.
- The proposed extension by reason of its sitting would result in an unacceptable loss of privacy adversely affecting the amenities enjoyed by ourselves as occupiers of the adjacent bungalow.
- The trees to the rear of the garden have been removed. As a result the proposed extension will overlook the garden and property and impinge on our privacy.
- The inaccuracy of the plans offers a false and misleading impression of how much of an impact the proposed will have.
- The topography of the street and houses which are built on a slope has not been indicated on the proposed plans.
- Proposed roof lights to the front are likely to shine into the two bedrooms of our property and have the potential to lead to sleep disturbance.
- Side access to our property has now become a health and safety risk due to work being carried out under application 18/00415/PLUD. Concern with regards to health and safety is raised if this application is to go ahead.
- Concern that the property will be turned into a multi-occupancy property.
- Extension will result in the row of properties looking like a row of semi-detached or terraced houses.
- The proposed extensions will be harmful to the living conditions of the surrounding occupiers.
- The development will impact on future sales of surrounding neighbours.

To address some of these objections revised plans were received 31/05/2018.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

7.4 Local character
7.6 Architecture

Unitary Development Plan

H8 Residential extensions
H9 Side Space
BE1 Design of new development

Draft Local Plan

6 Residential Extensions
8 Side Space
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows:

18/00012/PLUD - Part one/two storey rear extension Lawful Development Certificate (Proposed) - Proposed use/development is not lawful.

18/00415/PLUD - Hip to gable loft conversion with rear dormer and roof lights to front roof slope. Lawful Development Certificate (Proposed) - Proposed use/development is lawful.

Considerations

The main issues to be considered in respect of this application are:

- Design
- Neighbouring amenity
- CIL

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Policy BE1 and H8 of the Council's Unitary Development Plan seeks to ensure that new development, including residential extensions, are of a high quality design that respect the scale and form of the application property and are compatible with surrounding development. These policies are consistent with Draft Policies 6 and 37 of the Draft Local Plan. London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area.

The host dwelling currently benefits from a single storey rear extension that projects 5.4m in depth from the rearmost wall and measures 4.2m in height at its maximum. The proposed rear extension will sit alongside this existing extension for a shorter depth of 4.0m. The proposed extension would leave a distance of 30m from its rearmost wall to the end of the rear garden. Taking into consideration the generous plot size it is considered that the proposed depth and height of the extension would be subservient to the main dwelling and not overdevelop the site as a whole. The proposed materials will match those of the existing dwelling which will be complementary and compatible with the application site and developments in the surrounding area. This element of the proposal would not be visible from the street and so will not harm the character of the area or the streetscene in general.

The proposed first floor side extension would be set back 3.5m from the main front elevation and will have a pitched roof that matches the existing. The ridge line of the extension's roof would be set down 0.2m from that of the existing front projection and 0.3m below that of the main roof. Policy H9 states that for a

proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building. The first floor element would be located 1m at the narrowest point from the western boundary with No.40, however due to the existing forward projecting garage the development as a whole cannot provide the full 1 metre side space. Nevertheless, it is considered that, because of the proposed extensions depth and height, lowered ridge height and set back from the main front elevation, the proposed would not lead to a cramped appearance or to possible unrelated terracing. It is also considered that the proposed development would be subservient to the main dwelling and not overdevelop the site as a whole. Insofar as possible the proposed materials will match those of the existing dwelling which will be complementary and compatible with the application site and developments in the surrounding area.

Having regard to the form, scale, siting and proposed materials it is considered that, on balance, the proposed extension would complement the host property and would not appear out of character with surrounding development or the area generally.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed rear extension would sit a minimum 2.55m away from the shared boundary with the closet neighbouring property, No.40 to the west. It was noted from the site visit, and from a neighbouring objection, that No.40 benefits from a loggia at the rear which is approximately 3.5m in depth but which has been indicated on the plans to be a permanent structure. It was also noted from the site visit, and from a neighbouring objection, that the host property is at a higher elevation than No.40 due to the slope on which the properties sit. Nevertheless a 4m deep extension, taking into consideration the arrangement of the properties, the orientation of the site and the proposed height and pitched roof of the extension, on balance it is considered that there would be no significant impact on the amenities of the neighbouring occupiers to warrant a reason for refusal solely on this basis.

The proposed first floor side extension would sit adjacent to a secondary window which appears to serve a bedroom at No.40. The extension would be approximately 3m from this window and therefore due to the orientation of the site and the proposed separation distance between the properties along this elevation it is not considered that the development would have an overbearing impact or result in significant overshadowing and loss of light. As a result it is considered that, on balance, the proposed extension would not result in a development which was adverse enough to warrant a refusal of the application. It is proposed to have a window to the front and rear elevation of the extension that are to serve bathrooms which, because of their location and size, would not result in an increased chance

of overlooking out of character in terms of that expected within a typical residential layout.

The application has been amended since its first submission and a number of objections have been received which relate to elements of the earlier proposal. The application is no longer proposing a rear dormer or roof lights to the front roofslope. An objection has been received which raises concerns with regards to site health and safety and the quality of the construction work being carried out. These concerns are not material planning considerations that can be addressed as part of the application process and instead would be dealt with at the building control stage of the development process. An objection has also been received which raises concerns with regards to the future sale of the neighbouring properties if the development were to be permitted. This is not a material planning consideration which can be taken into account as part of the application process.

Given all of the above and having regard to the scale, siting, separation distance and orientation of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has not completed the relevant form.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area or streetscene generally.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 31.05.2018 07.06.2018
RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4** Before the development hereby permitted is first occupied, the proposed window(s) serving the first floor en suite bathrooms shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

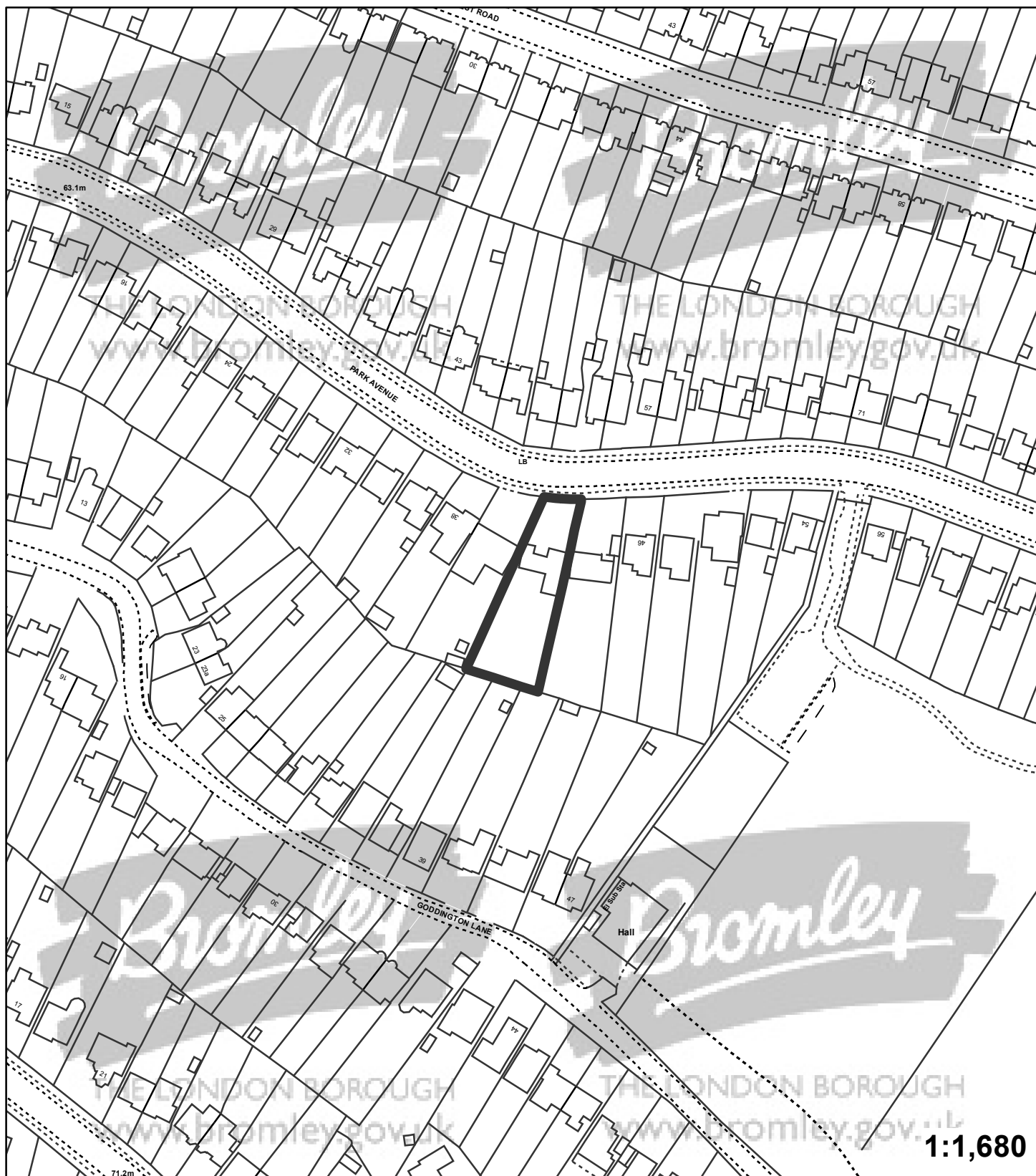
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

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Application:18/00010/FULL6

Address: 42 Park Avenue Orpington BR6 9EH

Proposal: Single storey rear and first floor side extensions.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/00028/FULL1

Ward:
Plaistow And Sundridge

Address : 61 Plaistow Lane, Bromley BR1 3TU

OS Grid Ref: E: 540848 N: 170267

Applicant : N/A

Objections : YES

Description of Development:

Demolition of the existing dwellinghouse and an construction of a four storey apartment block comprising of 8x1 bedroom apartments and 2x2 bedroom apartments together with the provision of 10 off-street parking spaces, cycle storage, amenity space and refuse/ recycling store.

Key designations:

Adjacent to Conservation Area: Garden Road
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 7

Proposal

This proposal is for the demolition of an existing building and the construction of a four storey apartment block comprising of 8x1 bedroom apartments and 2x2 bedroom apartments. The new building would be located centrally within the plot and the building footprint will measure approximately 13m width and 19.6m depth at its maximum extents. The height of the building will be approximately 11.9m at the highest point. The footprint of the building has been arranged with a 1m gap to the boundary with No. 59 Sundridge Court and 1-1.3m as the boundary splays with No. 63. Balconies are proposed at the front and rear of the building including a larger front terrace at third floor level.

At the rear, communal gardens are provided for the flats accessed along the side of the building via the front entrance.

The proposal includes the provision of 10 off-street parking spaces which are located to the rear of the site and accessed via an undercroft.

Ten cycle storage spaces are proposed along the western boundary together with a refuse/ recycling store at the front of the building.

The new proposals offer modern flats to meet the current Nationally Described Space Standards. A simple colour palette of materials is proposed consisting of red brickwork and Zinc effect cladding.

The application was supported by the following documents

- Design and Access Statement
- Topographic Survey
- Flood Risk Assessment
- Arboricultural Report

Location and Key Constraints

The site is located on the northern side of Plaistow Lane within a residential area. The surrounding buildings vary in style and size including: Victorian terraced houses, small blocks and modern blocks of flats. To the rear of the site is the Garden Road Conservation Area.

The current building is a double fronted detached building of little architectural merit, consisting of two floors and accommodation in the roof. A two storey extension exists on the rear of the south elevation. At present the property has a drive in/out access to the front with an access road on the south leading to garages at the rear.

Consultations

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

Objection:

- Concern over loss of privacy as they will overlook our terrace and into our living room.
- Drawing No. 6658-PL02 Topographic survey are not accurate in the fact that do not indicate that there are terrace/outdoor space in the north east corner that is adjacent to the proposed site.
- Plans do not correctly show the position and height of our dwelling that is essentially within the two eave heights
- The new property is going to extend slightly further North with respect to our property (Sundridge Court). This is a large difference to the current dwelling.
- The currently enjoyed view from our terrace of the tree line to the east will be replaced by a brick wall.
- Although the proposed building will not be significantly higher than the ridge line of the existing property, it's physical characteristics and extension to the North will have a great effect on our property (Sundridge Court).

- We have the benefit of early morning sunlight in our dining room thanks to large patio windows to the east onto our terrace. The additional height and extension to the North of the new building will prevent this early morning sun from reaching our interior dwelling at Sundridge Court.
- This proposal will seriously affect the enjoyment and privacy of our outdoor terrace and affect the quality of sunlight that we currently enjoy in the interior of the units at Sundridge Court.

Support:

- Welcome the demolition of the current premises and re-development.

Comments from Consultees

Highways:

The development is within a low PTAL rate of 2 on a scale of 0 - 6b, where 6b is the most accessible.

Vehicular Access- the existing vehicular crossover from Plaistow Lane would be utilised leading to the rear. However the existing redundant vehicular crossover should be reinstated to footway level.

Car parking- ten car parking spaces inclusive of a disabled space is offered by the applicant, which is acceptable.

Cycle parking- acceptable

Bin store- is indicated on the submitted plan however please also consult Waste Management team.

No objection to the proposal; please include conditions regarding Car Parking, Refuse, Cycle, Lighting scheme, Stopping up of access, Construction Management Plan and Highway Drainage with any permission.

Thames Water:

No objections subject to appropriate conditions.

Designing out of Crime Officer:

Following my review of the weekly planning applications kindly sent through by your offices I note the above application for 10 residential units.

I have reviewed the documents provided and am encouraged to note mention of Secure by Design in the design and access statement and that the development will be built in accordance with the general principles of Secured by Design.

Whilst several of the required conditions are mentioned, from inspection of the submitted plans there are several points which would require clarification or modification to achieve certification, which include the recessed doorway, a secure mail strategy, defensible space, and access to the stair core.

In order to assist with this commitment, and to ensure current guide lines are implemented, I would request a secured by design condition which I feel would be of great importance to this development.

Drainage:

We accept the proposed use of permeable paving and driveway area, however a soakaway should be incorporated to store surface water run-off from the roof.

Please impose conditions regarding Sustainable drainage system (SuDS) and Surface Water Drainage.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF) (2012):

Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 8 - Promoting healthy communities
Chapter 11 - Conserving and enhancing the natural environment

London Plan (2016):

2.6 Outer London: vision and strategy
3.3 Increasing housing supply
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.8 Housing choice
3.9 Mixed and Balanced Communities
3.11 Affordable Housing Targets
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.6 Decentralised energy in development proposals
5.7 Renewable energy
5.8 Innovative energy technologies
5.0 Overheating and cooling
5.10 Urban Greening
5.11 Green roofs and development site environs
6.9 Cycling
6.13 Parking
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.6 Architecture
8.2 Planning Obligations
8.3 Community Infrastructure Levy

Mayors Housing Supplementary Planning Guidance 2016

Unitary Development Plan (2006):

H1 Housing Supply
H2 Affordable Housing
H3 Affordable Housing - payment in lieu
H7 Housing Density and Design
H9 Side Space
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking (see London Plan)
T6 Pedestrians

T7 Cyclists (see London Plan)
T18 Highway Safety
BE1 Design of New Development
BE13 Development adjacent to a conservation area
NE7 Development and Trees
IMP1 Planning Obligations

Planning Obligations SPD
Affordable Housing SPD

Draft Local Plan (2016):

Draft Policy 1 Housing Supply
Draft Policy 4 Housing Design
Draft Policy 8 Side Space
Draft Policy 37 General Design of Development
Draft Policy 30 Parking
Draft Policy 32 Road Safety
Draft Policy 42 Development adjacent to a conservation area

Planning History

The relevant planning history relating to the application site is summarised as follows:

06/00614/FULL1 - Planning permission was refused for demolition of existing building and erection of block comprising 6 two bedroom flats and 5 one bedroom flats with front and rear terraces and balconies with 6 car parking spaces and with retention of existing 5 garages (13.04.2006) for the following reasons:

1. The proposed development by reason of its bulk, depth and proximity to boundaries would constitute an overdevelopment of the site, contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (September 2002).
2. The proposal by reason of its size, height and intensification of the site be detrimental to the privacy and amenities of the occupiers of adjoining properties, contrary to Policy H.2 of the adopted Unitary Development Plan and Policy H6 of the second deposit draft Unitary Development Plan (September 2002).
3. The proposed layout of parking spaces, location of bin store and cycle parking provision would be contrary to Policy T.4 of the adopted Unitary Development Plan and Policy T22 of the second deposit draft Unitary Development Plan (September 2002) and prejudicial to road safety in general.

06/02206/OUT - Planning permission was granted for the demolition of existing flats and erection of detached 4 storey block 6 one bedroom and 2 two bedroom flats and 1 three bedroom flats with 4 car parking spaces retention of 5 existing garages and cycle store and bin enclosure (20.09.2006).

06/04339/DET - Details were approved for the design/external appearance and landscaping/ boundary enclosures/ layout of access road/ turning area and visibility splays/ parking bays/sight lines/ refuse storage and bicycle parking pursuant to conditions 1,2,6,7,8,9,11 and 12 of permission ref. 06/02206 granted for detached four storey block comprising 9 flats (18.01.2007).

Considerations

The main issues to be considered in respect of this application are:

- Principle
- Standard of living accommodation and amenity space
- Layout, Scale, Massing and Bulk and Design and Appearance
- Impact on Neighbouring Amenities
- Car Parking
- Cycle Parking
- Refuse
- Sustainable Development and Renewable Energy
- Landscaping
- Mayoral CIL
- Planning Obligations

Principle

In terms of the land use principles there are two main issues to address, the first being the loss of the existing building and the second being the suitability of the site for a more intensive residential use. It is not disputed that both national and local plan policies promote optimising site potential and as the proposal involves the redevelopment of previously used land, the principle of its redevelopment to a more intensive level is in accordance with national planning guidance and local plan policies which encourage optimising the potential of brownfield sites.

With regards to the loss of the existing building planning permission was granted previously under ref: 06/02206/OUT for the demolition of the existing flats and erection of detached 4 storey block 6 one bedroom and 2 two bedroom flats and 1 three bedroom flats with 4 car parking spaces retention of 5 existing garages and cycle store and bin enclosure. As such the principle of the redevelopment of this site has been established. This current application proposes modern open plan flats within the footprint of the previous approval with updated internal layouts to meet the current Nationally Described Space Standards.

In terms of the intensification of residential units on site Policy 3.4 of the London Plan and H7 of the UDP seek to optimise housing opportunities on sites with good public transport accessibility. These Policies stipulate that priority should be given to securing a high quality environment for residents and making the best sustainable use of land. Policy 3.4 of the London Plan seeks to optimise housing opportunities on sites with limited public transport accessibility. The application site has a PTAL rating of 5. The London Plan and UDP sets the density ranges at 150 - 250 Hr/Ha for suburban areas.

The scheme proposed in this application would provide a density level of approximately 244hr/ha which is within the suburban density ranges set out above. It is important to note that density is only one element of a scheme which needs to be assessed, Policy 3.4 of the London Plan states that when making planning decision Local Planning Authorities should take into account local context and character, the design principles and public transport capacity. Developments should optimise housing output for different types of location within the relevant density ranges as set out in Table 3.2 and where development proposals compromise this policy they should be resisted. Given the area is predominately residential it is considered that that proposal in itself would be acceptable.

As such given the location the Council will consider this form of development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of additional residential dwelling units on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

Standard of living accommodation and amenity space:

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

The floor space size of each of the units range between 50.7 - 61.2sqm for the 8 1-bed flats and 63.3sqm for the 2 2-bed units. The nationally described space standard requires 50sqm for a 1-bed 2 person unit and 61sqm 2-bed 3 person. On this basis, the floorspace provision for all of the units is considered compliant with the required standards and is considered acceptable.

The shape and room sizes in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space, Policy H7 states that adequate private or communal amenity space should be provided with regards to new residential accommodation. The flats propose to have a balcony either to the front or rear providing adequate private amenity space and given the rear garden together with the close proximity Kings Meadow Pleasure Ground, the provision proposed is acceptable at this location.

Layout, Scale, Massing and Bulk and Design and Appearance:

National policy on design is set out in the National Planning Policy Framework, this states that the appearance of proposed development and its relationship to its surroundings are material planning considerations. Therefore development plans should provide clear indications of a planning authority's design expectation and concentrate on broad matters of scale, density, height, layout, landscape and access.

New development should contribute towards a better quality of environment as part of a coherent urban design framework, which looks at how the urban form is used and how that form has an impact on the way development is planned. The development plan contains policies designed to promote very high standards of design, to preserve and enhance the existing character of areas to promote environmental importance, and to ensure that the natural environment is not adversely affected.

With regard to aesthetics, environmental protection and the quality of the building environment, Policies H7 and BE1 of the Unitary Development Plan, Policies 4 and 37 of the Draft Local Plan and London Plan Policy 7.4 requires new development in particular should take note of urban design principles and specific guidelines. This includes a respect for the locality and topography, the character of adjoining buildings, local materials, context and scale, a proper relationship with the street scene, the treatment of spaces between buildings, the creation of a good living and working environment, and concerns for the needs of local residents.

As the site adjacent to the Garden Road Conservation Area Policy BE13 of the Unitary Development Plan and Policy 42 of the Draft Local Plan state that a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from view into or out of the area.

The scale and design of any scheme would be crucial to successfully accommodating the residential units on this site whilst respecting the adjacent residential units to the west of the site.

The proposed development is a modern block of flats with a flat roof together with a setback top floor to provide subservience. Whilst the footprint of this development is similar to the previously permitted scheme, the overall height is lower and the proposed development show the height transition between No. 59 and 63.

The design ethos of the scheme takes some architectural references from the adjacent housing stock and changing appearance of Plaistow Lane with recent developments a more contemporary approach has been proposed. A simple palette of materials, red brickwork and Zinc effect cladding is proposed. It is considered that this modern approach would fit in well the established developments along Plaistow Lane, street scene generally and the design principles set out above.

Impact on Neighbouring Amenities:

Policy BE1 seeks to protect neighbours against a loss of amenity resulting from reduced daylight, sunlight and/or overshadowing, loss of privacy and outlook. This is supported in London Plan Policy 7.6.

The location and orientation of the proposed buildings on site combined to avoid overlooking through design and arrangement.

The existing building sits slightly behind the building line of 63 Plaistow Lane. The proposed relationship between the two buildings would mean that the rear of the development be approximately in line with the rear elevation of No.59 Sundridge Court and approximately 8m behind No. 63. However the boundary between No. 63 and the site tapers from the front to the rear, giving an overall space between buildings of 2.8m and 4m respectively.

Whilst it is appreciated that the proposal represents a much larger building than currently on site it is similar to the footprint of the previous approval and given the orientation, location of the buildings and their relationship it is considered that the development would not cause any significant loss of daylight, sunlight and/or overshadowing to the neighbouring properties.

With regards to loss of privacy the balconies at the rear are to be located towards the eastern boundary with No. 63 at first and second floors and centrally at third floor, to the front enclosed balconies with a larger terrace at third floor level are proposed. To ensure the development would not result in loss of privacy a screening condition could be imposed to ensure no significant overlooking could occur.

Flank windows are also proposed at first and second floor levels. These are shown to be obscure glazed and to ensure that there is no loss of privacy from these windows a condition is also proposed requiring them to be obscured and top opening only if planning permission is forthcoming.

Car parking:

The proposed development provides 10 off-street parking spaces. The Council's Highway Officer has reviewed the current application and has not raised objections to the proposal given the sites accessibility level provision proposed.

Cycle parking:

Cycle parking is required at 1 spaces per unit. The applicant has provided details of secure and lockable storage area cycle storage for the flats comprising of 10 spaces. A condition can be attached to any permission to ensure adequate facilities are provided in line with the details set out on Drawing No. 6658-PL03 Rev C.

Refuse:

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage for the units within the front curtilage adjacent to the disabled parking bay. The location point is considered acceptable and within close proximity of the highway for collection services. Further details regarding a containment structure can be conditioned as necessary if planning permission is forthcoming.

Sustainable Development and Renewable Energy:

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

The applicant is currently preparing an Energy Statement and the findings of these will be reported verbally to Members.

Landscaping:

An indicative landscaping layout has been submitted as shown on the proposed ground floor site plan drawing that details the areas given over to garden for external amenity for future occupiers. No objections are raised in this regard. Notwithstanding this full detail of hard and soft landscaping and boundary treatment can be sought by condition.

Mayoral Community Infrastructure Levy (CIL):

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Planning Obligations:

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and,

wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

The Planning Practice Guidance outlines circumstances where planning obligations for affordable housing should not be sought from developers. Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000m² (gross internal area).

In this instance, only 10 units are proposed with a floor space of 537.1m². Therefore affordable housing would not be required from the developer.

With regards to Health and Education contributions have been sought and are set out below:

Health: £2,468.00

Education: £8,415.94

This has been agreed with the developer in this regard.

Conclusion

The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers, subject to suitable conditions. It is considered that the density and tenure of the proposed housing is acceptable and that the development would not be detrimental to the character of the area. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 17.05.2018

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- 1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

- 3** Details (including samples) of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4** Details of a scheme of landscaping, which shall include use of native plant species where possible, details of all boundary treatment, the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted. Furthermore all boundary treatments shall be maintained in perpetuity.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

- 5** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 7 Unless otherwise agreed in writing with the Local Planning Authority before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details provided on Drawing No.6658-PL03 Rev C, and the bicycle parking/storage facilities shall be permanently retained thereafter.**

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 8 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.**

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 9 The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such.**

Reason: In order to comply with Policy T11 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 10 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall**

follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 11 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals and to accord with London Plan Policy 5.13 Sustainable Drainage

- 12 Details of the means of privacy screening for the balcony(ies) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details prior to first occupation and permanently retained as such.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 13 Before the development hereby permitted is first occupied the proposed window(s) in the elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

- 14 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 15 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

- 16 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:**

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: To ensure satisfactory implementation of the sustainable drainage proposals and to accord with to London Plan policy 5.13

- 17 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.**

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure and to comply with Policy 5.14 of the London Plan.

You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and**

this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

- 2 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk**
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.**
- 4 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.**
- 5 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.**
- 6 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.**
- 7 The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.**

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Application:18/00028/FULL1

Address: 61 Plaistow Lane Bromley BR1 3TU

Proposal: Demolition of the existing dwellinghouse and an construction of a four storey apartment block comprising of 8x1 bedroom apartments and 2x2 bedroom apartments together with the provision of 10 off-street parking spaces, cycle storage, amenity space and refuse/ recycling store.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/00470/DEMCON

Ward:
Chislehurst

Address : Banbury House, Bushell Way,
Chislehurst BR7 6SF

OS Grid Ref: E: 543290 N: 171341

Applicant : Ms Sara Bowrey

Objections : YES

Description of Development:

Demolition of existing building (56 day application for prior approval under Class B Part 11 of GPDO)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 16

Proposal

This application has been submitted in order to give prior notification of the demolition of this building under Class B of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015.

The applicant states that demolition is required due to the poor condition of the building and vandalism of it. Demolition will facilitate the use of the site for short term accommodation and modular units.

Location and Key Constraints

This detached building is located on a corner location on the southern side of Bushell Way and the east side of Invicta Close.

Comments from Local Residents and Groups

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

Objections:

- The demolition contractor's Demolition/Construction Management Plan should be provided so that an evaluation of the physical protection, environmental considerations, working hours etc can be reviewed during the demolition period.
- Proposal would have a detrimental impact on amenities of neighbouring residents
- No details of the proposed modular units to replace the building are provided.
- Replacement buildings should be in keeping with the area and in a similar use
- Concerns regarding shared access rights
- Impact on parking and highway safety

- Implications for security and safety in the local area.
- Proposal shelter for homeless would be a blot on the landscape and inappropriate for the area. High quality housing should be provided.

Comments from Consultees

Environmental Health raises no objections subject to an informative.

Highways Officer: The applicant was asked for a detailed Demolition Management Plan. I have now seen the demolition management details and am satisfied and happy with these details

Policy Context

The application falls to be considered under Class B of Schedule 2 Part 11 of the Town and Country Planning General Permitted Development Order 2015.

Planning History

01/02786 - Change of use of part ground and first floors from residential home to community resource centre; 4 additional car parking spaces and new glazed entrance area – PERMITTED

Considerations

The only issue for consideration is whether prior approval is required for the method of demolition and restoration of the site and if so whether prior approval for these matters should be granted.

The applicant has confirmed that the demolition will be undertaken by specialist demolition and removal contractors, and that following demolition, the site will be prepared for its proposed new use. The application is accompanied by a Demolition Method Statement which confirms that the building is structurally safe and therefore it can be considered that the method of demolition can be approved.

The building is not listed and does not lie within a conservation area. The demolition is not considered to be urgently necessary in the interests of safety or health. As such the development is not considered to be excluded demolition and must comply with Schedule 2 Part 11 of the Town and Country Planning General Permitted Development Order 2015 (as amended) which relates to any building operation consisting of the demolition of a building.

The development is considered to satisfy the requirements of Schedule 2 Part 11. In addition, the applicant has also confirmed in writing that a site notice has been displayed on land on which the building to be demolished is sited which has been in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the Local Planning Authority to satisfy Condition B.2 (ii) and (iv).

Conclusion

In light of the information provided concerning the method of demolition and interim arrangements for the site prior to any redevelopment, it is considered that prior approval can be granted for the method of demolition and any proposed restoration of the site.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED

Informative:

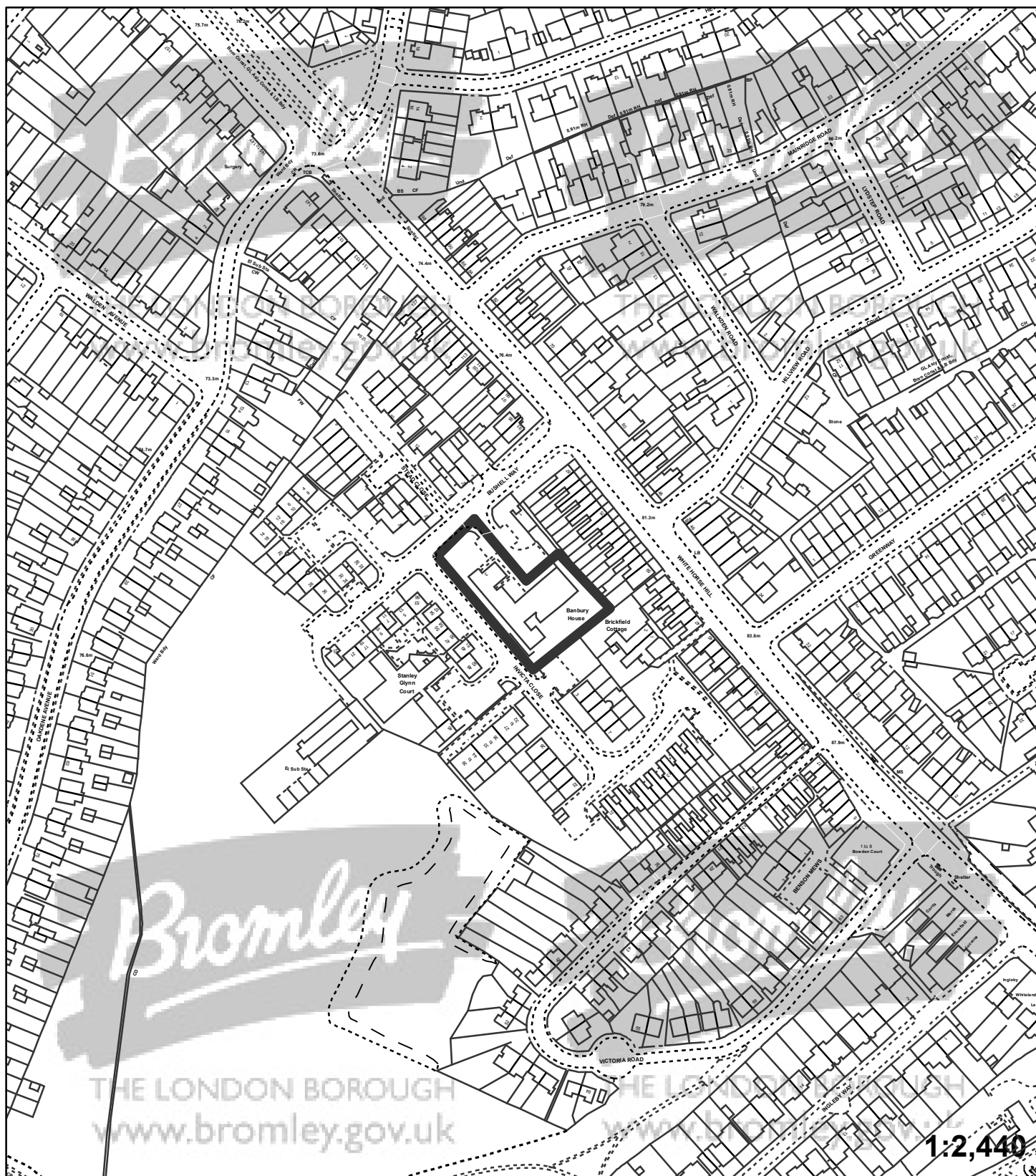
The Applicant is advised to contact the Health & Safety Executive in order to ensure compliance with all legislation and guidance related to the identification, removal and disposal of asbestos containing products

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Application:18/00470/DEMCON

Address: Banbury House Bushell Way Chislehurst BR7 6SF

Proposal: Demolition of existing building (56 day application for prior approval under Class B Part 11 of GPDO)



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No: 18/01258/TPO

Ward: Shortlands

Address: 61 Wickham Way, Beckenham
BR3 2AH

OS Grid Ref: E: 538286 N: 168028

Applicant: Mrs Walters

Objections: YES

Description of Development:

Fell two Oak trees in rear garden.
SUBJECT TO TPO 2222 (T1 & T2)

Proposal

The application has been made on behalf of the neighbouring property owner at 2 Styles Way. The neighbouring property is comprised of a detached bungalow located on the south side of Styles Way. The dwelling was constructed in 1904 and was reduced from two storeys to one in the mid-1950s. An infill and other additions were constructed in 1980. The property is situated in the local conservation area and is therefore subject to sensitive planning restrictions which include tree protection.

Location

The application site is comprised of a detached dwelling located on the east side of Wickham Way. The site is subject to the conservation area legislation and has two oak trees near the rear boundary subject to Tree Preservation Order (TPO) 2222.

Consultations

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

- The oak trees do not appear to be near enough to the house in question to cause any problem with subsidence. Also these trees have been there for many, many years and it would be a great and unnecessary loss to the environment to fell them.
- Tree removal will be detrimental to the green aspect of this area. A mature oak as part of this line was removed in 2015 on the submission of false information by the tree surgeon. This application must be scrutinized in detail not to allow this to occur again. From Styles Way, these trees seem to be at least 30m from the property indicating roots should have a negligible effect. There is an oak at No. 59 Wickham Way which is closer to the property than the above two. Considering the soil to be identical, there seems to be no issues with this tree. Tree Preservation Orders are meant to protect trees and there are not sufficient grounds to remove these two trees.

- The evidence of subsidence at No 2 Styles Way is no doubt correct, but I would like the Borough Council to carry out their own thorough investigation and be absolutely certain that the trees in question are the cause of the subsidence before any permission is given for their felling. As the engineering appraisal report from Cunningham Lindsey comments - "The foundations of the property have been built as a relatively shallow depth onto highly shrinkable clay subsoil." As I understand it, this was, unfortunately, common practice at the time the property was built. In the light of this, would the removal of the oaks solve the subsidence problem; or could it still persist due to the construction of the house with shallow foundations? As you are aware, the Park Langley Residents Association is opposed to any destruction of our ancient and green heritage in the estate without absolute certainty that this is necessary. I would ask the council to carry out its own survey to substantiate the current facts and assess the suggested solutions to the problem.
- The soil is susceptible to movement as a result of changes in volume of the clay with variations in moisture content. Analysis of the site investigation results indicates that the soil appears to have been affected by shrinkage following the dry summer of 2016. Investigating yearly rainfall data at Heathrow (closest station) from the Met Office Historical Data shows 2016 was normal for rainfall and not particularly dry.

Considerations

Officers made a site visit to both the application site and the neighbouring property subject to the subsidence claim on 13th April 2018. The oak trees (T1/T2) subject to the application were surveyed. T1 is 15m from the neighbouring dwelling at 2 Styles Way and T2 is situated at a distance of 18.7m. T1 is 19m tall and T2 is 18m tall. Both trees are within the zone of influence of the neighbouring dwelling.

Both trees exhibit good canopy form and normal vitality. A wound was noted along the main stem of T1 at 1m from the ground, measuring approximately 1m across. The occlusion of the wound indicates a healthy response to the cavity. A bracket fungus identified as *Ganoderma spp* was noted at the base of T2 on the western aspect. The nature of the fungus causes selective delignification of the internal structure. The process can take a number of years to reach a point where the structural integrity is too weak for safe retention.

The proposed felling of the subject trees has been recommended by the insurance company and consulting arboriculturist acting on behalf of the owner of 2 Styles Way. The following supporting documents have been appended to the application:

- Engineering Appraisal Report
- Arboricultural Assessment Report
- Level Monitoring
- Root Identification
- Site Investigation Report, including soil analysis and foundation detail

Two trial pits were excavated adjacent to the rear projection of the dwelling. Trial Pit 1 revealed foundations to a depth of 1.2m with possible signs of past underpinning. Trial Pit 2 revealed foundations to a depth of 0.9m. Roots discovered within the pit have been identified as oak.

The estimated costs of repair range from £45,000 to £200,000 depending on whether the trees remain. A heave assessment indicates no risk of further subsidence should the trees be removed.

Conclusion

The external damage to 2 Styles Way was not as visible as the internal damage. Officers witnessed internal cracking and displacement in all but one of the downstairs rooms and all but one of the upstairs rooms. The subsidence is clearly impacting internal door and window frames and the stair case in the centre of the dwelling.

The foundations are considerably shallower than what is required to withstand the influence of oak trees within the zone of influence. The required foundation depth has been calculated to be a minimum of 2m. Given the age of the property, the trees cannot be confirmed older than the property. The foundations may therefore not have taken surrounding vegetation into account as a design principle.

A monetary value has been applied to the trees adopting the CAVAT (Capital Asset Value for Amenity Trees) system. CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. CAVAT is recognised in the English court system, with various case examples available.

Trees T1 and T2 have been calculated a combined value of £58, 317.

In response to the objections received, the trees are both within the zone of influence. Damage is limited to the rear projection of the dwelling, extending inwards to the centre of the dwelling. Whilst the TPO is a constraint to the repairs, a balance must be drawn between preserving the natural environment and the land owners right to peaceful enjoyment of their property.

The soil analysis has been carried out by a reputable company and the results of which are sufficient to support the application. The Council have assessed the results of the investigation and visually inspected the areas of reference and surveyed both addresses.

Due to the value of the trees being less than the estimated cost of repairs, it would be unreasonable for the Council to further defend the retention of both subject trees. A replacement tree will be conditioned and will take into account the soil type and water demand.

Financial Implications

Attention is drawn to section 202E of the Town and Country Planning Act 1990. This allows the applicant to make a compensation claim in respect of a refused decision.

Members are informed that no budget has been allocated to the defence of a compensation claim, should the application be refused. A claim may include and is not restricted to any further damage from the date of the decision, costs incurred in respect further repairs, costs incurred in further monitoring and legal costs. The applicant's loss adjuster has indicated repair costs alone up to £200,000.

Members are also informed of the officer costs involved in defending against a compensation claim.

RECOMMENDATION: Consent to fell two Oak trees in rear garden.

CONDITIONS:

1. B09 Tree consent – commencement

The tree works hereby granted consent shall be carried out within 2 years of the date of this decision.

REASON: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of good arboricultural practice and the visual amenities of the area.

2. B06 Replacement Planting

Two replacement Tulip Trees (*Liriodendron tulipifera*) of standard size, will be planted within 2m of oak tree (T1 and T2 respectively), in the planting season following the felling of the tree. If the replacement tree dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted. The planting season is typically October to March.

REASON: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of the visual amenities of the area

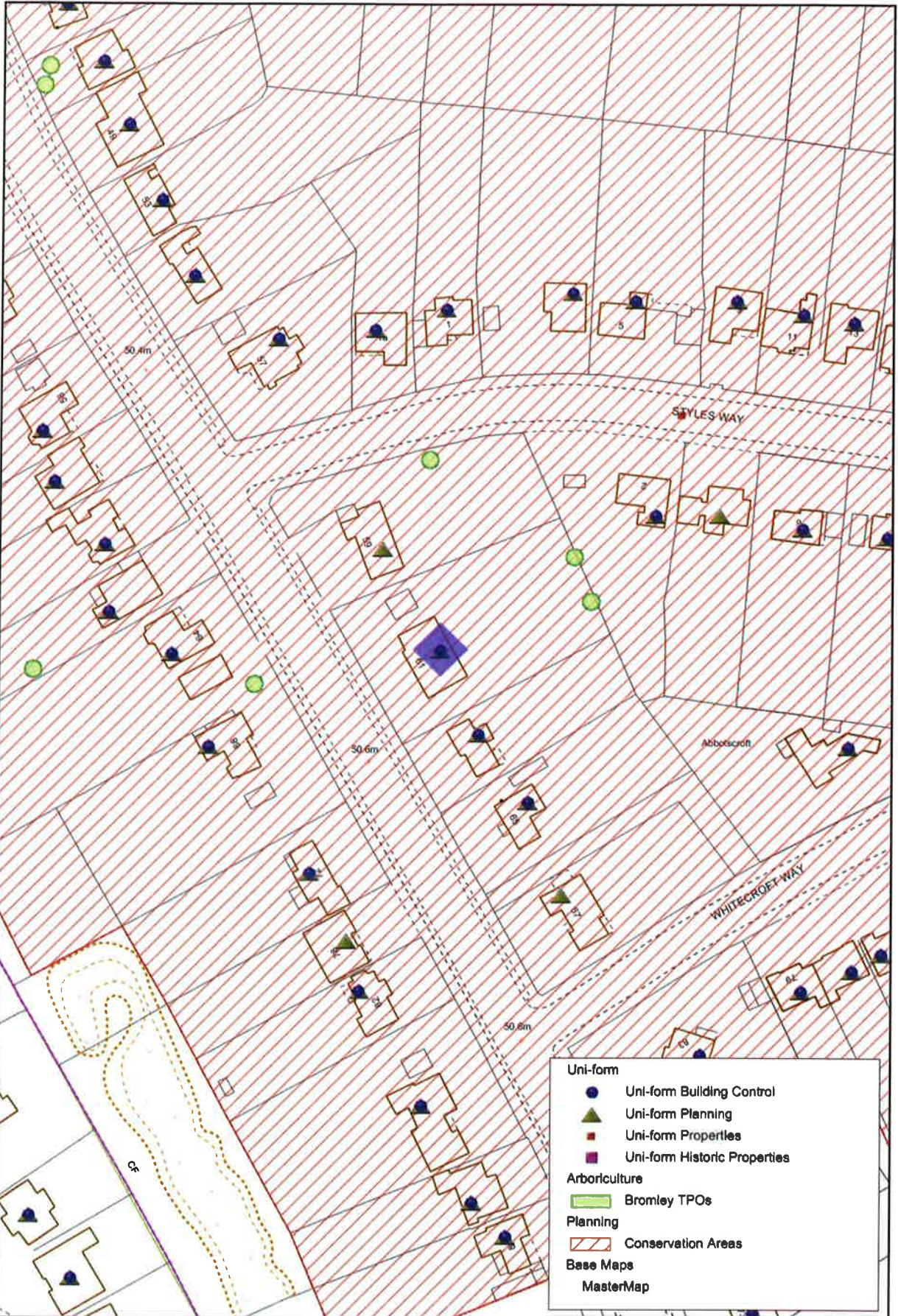
3. B07 Tree surgery

The work to the tree(s) hereby granted consent shall be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work)

REASON: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of good arboricultural practice and the visual amenities of the area.

INFORMATIVES

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.



Planning Division



61 Wickham Way, Beckenham BR3 2AH



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Tuesday, May 08, 2018



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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/01565/FULL6

Ward:
Orpington

Address : Keren, St Aubyn's Gardens, Orpington
BR6 0SW

OS Grid Ref: E: 545761 N: 165557

Applicant : Mr D Berry & Ms L Wright

Objections : NO

Description of Development:

Single storey front & rear extensions including new front porch and first floor rear and side extensions.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 29

Proposal

The proposal involves a first floor side extension and part one/two storey rear extension which would have a width of 2.8m beyond the east flank and a length of 4.7m linking up with the proposed rear element. The part one/two rear extension would have a maximum depth of 3.8m and a total width of 9.7m. At first floor, the proposal would be staggered with a depth of between 3.8m to 2.1m. The proposal would have a pitched roof which would be hipped and would have a height of 7.2m and would also extend over the existing flat roof of the two storey side projection.

The proposed single storey side extension to the west flank would have a width of 1.9m, a length of 4.5m and would have a pitched roof which would be hipped with a height of 4m.

A front porch is also proposed which would have a forward projection of 0.9m, a width of 2.8m and would have a pitched roof with a ridge height of 3.3m.

Elevation alterations are proposed which would involve applying render which would be painted white to the front gable feature and inserting one window in the first floor front elevation of the two storey side projection.

Location and Key Constraints

The site hosts a detached two storey dwelling situated on the northern turning point of St Aubyn's Gardens. The site is not situated on any designated land.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

No Consultee comments received.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

7.4 Local character

7.6 Architecture

Unitary Development Plan

H8 Residential extensions
H9 Side space
BE1 Design of new development

Draft Local Plan

6 Residential Extensions
8 Side Space
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

No recent or relevant planning history relating to the application site.

Considerations

The main issues to be considered in respect of this application are:

- Design
- Neighbouring amenity
- CIL

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy BE1 of the UDP requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

Policy H8 of the UDP requires residential extensions to blend with the style and materials of the host dwelling, and ensure that spaces or gaps between buildings are respected where these contribute to the character of the area.

Policy H9 of the UDP requires that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The existing dwelling already incorporates a two storey development with a flat roof which is set back from the main front and rear elevations and is sited along the east flank boundary. Therefore, the property already does not provide a 1m side space to the flank boundary.

The proposed first floor side extension would have a width of 2.8m and a length of 4.7m and would also be built in close proximity to the east flank boundary, there would be a gap of 0.1m for much of its length). Additionally, the proposal would involve replacing the flat roof of the existing two storey side projection with a pitched roof, increasing its height from 5.6m to 7.2m (ridge height). The proposal would therefore technically be in breach of Side Space Policy H9 which requires a minimum of 1m side space to the flank boundary. However, the proposal would be situated predominately to the rear of the property and existing two storey side projection with the proposed pitched roof being the main visible element of the two storey development.

The proposed first floor side extension would be positioned to the rear of the existing side projection along the boundary therefore it is considered that it would not impact detrimentally on the spatial characteristics of the area or result in a cramped appearance in the street scene.

The proposed pitched roof would increase the height of the existing two storey side projection however it would incorporate a pitched roof which would be hipped and Policy H8 states that "Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials. In particular, flat-roofed side extensions of two or more storeys to dwellings of traditional roof design will normally be resisted unless the extension is well set back from the building line and is unobtrusive." Therefore, the proposed roof alterations would have a more sympathetic appearance in relation to the host dwelling than the existing two storey side projection and it would continue to be set back by from the main front elevation by 3m and would continue to appear subservient to the main dwelling.

Further to the above, the east flank boundary of the site abuts an access way to the rear garages of the properties adjacent properties on Tower Road and on the other side of the access lies the rear gardens of properties on Tower Road therefore a significant distance would be retained to the surrounding development and it is not therefore likely that there will be any further two storey development adjacent to the proposal in the future.

Whilst the proposal is not compliant with the Council's side space policy, it may be considered that on balance, the proposed is acceptable in that it is unlikely to result in a cramped appearance in the streetscene or have a seriously harmful impact on

surrounding residents, therefore broadly complying with the aims of Policies BE1, H8 and H9 of the Unitary Development Plan.

With regards to the single storey additions, the proposed front porch would not project significantly beyond the front gable (it would project further forwards by 0.4m) and it would incorporate a modest pitched roof with a height of 3.3m. There are examples of front bay windows, pitched roof canopies and a porch in the local area therefore it is considered that the proposed porch would not appear harmfully at odds with the surrounding development. The single storey side extension would be set back from the front elevation by 5.5m and would have a width (1.9m wide) and pitched roof with a ridge height of 4m therefore its size and design is considered to appear in context with the host dwelling.

The existing front gable which currently has a brickwork external facing would be rendered and painted white. In the local area, there are examples of properties which incorporate render in their external facing therefore the proposed materials would be in-keeping with the character of the area.

Having regard to the form, scale, siting and proposed materials, it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of residential amenity it is considered that there would be no significant impact on the privacy and amenity of adjoining occupiers in terms of loss of light and outlook, siting and position of the enlarged mass of the extensions in this situation due to the reasonable separation distances to adjacent neighbouring properties, with a separation of over 5m from the two storey extension and between 3.8m and 1.9m to the single storey side extension from the south west flank boundary and a substantial separation from residential properties on Tower Road to the east. .

The adjoining dwelling to the south west of the site, 'Penrhyn' has benefitted from a single storey rear extension and given the location at one end of the Close, the properties are splayed around the turning point so that this neighbouring property is orientated away from the host dwelling at the rear and therefore the proposed extensions would be visible only obliquely from the main habitable room windows and amenity space to the rear of 'Penrhyn'.

Having regard to the scale, siting, separation distance, orientation, existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character or spatial standards of the area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

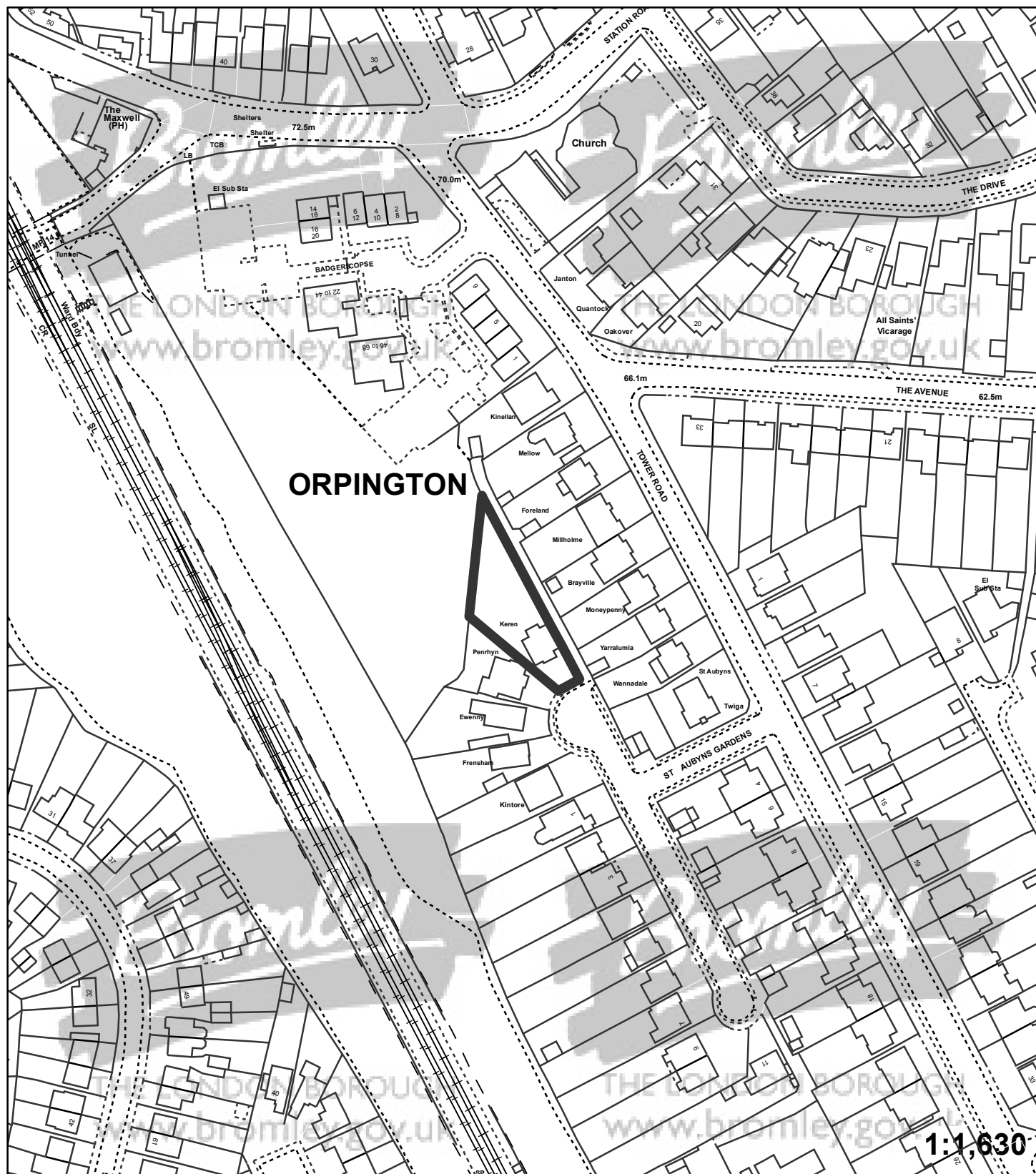
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

Application:18/01565/FULL6

Address: Keren St Aubyn's Gardens Orpington BR6 0SW

<BOL>Proposal:</BOL> Single storey front & rear extensions including new front porch and first floor rear and side extensions.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/01788/FULL1

Ward:
Copers Cope

Address : Beverley House, Foxgrove Avenue,
Beckenham BR3 5AZ

OS Grid Ref: E: 538002 N: 170208

Applicant : Mr Andrew Prickett

Objections : YES

Description of Development:

Loft conversion with roof alterations to include side and rear dormers to create 2x one bedroom flats.

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Proposal

The application seeks permission for a loft conversion with roof alterations to include side and rear dormers in order to create 2 one bedroom flats. The proposed flats would both have a GIA of 61sqm and would include a bedroom, living / kitchen area, bathroom and storage space.

In order to facilitate the creation of the two flats within the roof, alterations to the roof are proposed which would consist of the addition of three dormers to rear elevation of the property, and one dormer to each flank roofslope. Four conservation style rooflights are also proposed to the front elevation.

Location and Key Constraints

The application site consists of Beverley House which comprises six existing flats set over three floors. The site is located on Foxgrove Avenue, Beckenham which is located in an Area of Special Residential Character.

Comments from Local Residents and Groups

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

Objections

- Parking is already a problem with multiple occupants in this and adjacent blocks.
- The flats would impose our private entrance as would be accessed very close.
- The beauty of this building would be impaired.
- Overcrowding in a part of Foxgrove Avenue which already has planning permission for St Clare Court.
- Noise and disruption.

Comments from Consultees

Highways: The site is located in an area with PTAL rate of 1a (on a scale of 0 - 6b, where 6b is the most accessible).

The development is for two 1bed flats. As there is a correlation of car ownership and type of dwelling people reside, this suggests that not all occupiers will own car(s). Furthermore I am of the opinion that the development would not have a significant impact on the parking in the surrounding road network. Therefore I raise no objection to the proposal.

The applicant should provide 1 cycle parking space per unit within the site's curtilage for the occupiers of the development.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments
6.13 Parking
7.2 An Inclusive Environment
7.4 Local Character
7.6 Architecture

Unitary Development Plan

H1 Housing Supply
H7 Housing Density and Design
H8 Residential extensions
H10 Areas of Special Residential Character
T3 Parking
T18 Road safety
BE1 Design of new development

Draft Local Plan

1 Housing supply
4 Housing Design
6 Residential Extensions
30 Parking
32 Road Safety
37 General Design of Development
44 Areas of Special Residential Character

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

The application site has no previous planning history.

Considerations

The main issues to be considered in respect of this application are:

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- CIL

Principle

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

Planning permission has recently been approved at No.1-4 St Clare Court and No.5-8 Clare Court for very similar applications (under planning application references 16/03847 and 17/01115). This forms a material consideration in the determination of this application.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport

networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The property is located on Foxgrove Avenue, which features a wide variety of differently designed large detached properties, consisting predominantly of single residential units, but also blocks of flats such as the application site. The area is characterised by consistent separation spaces, dwelling footprints and plot widths, and The Foxgrove Avenue ASRC states the area is in the main inter/post war with spacious rear gardens.

The blocks of flats along this part of Foxgrove Avenue are all of a similar style and appearance, with the application appearing very similar to that of Waverley House. It is further noted that similar applications have been granted at St Clare Court for enlargements to the roof which include side and rear dormers.

The proposed dormer windows located in the side elevation are modest in their scale and would not appear overly prominent within the roofslope or the streetscene in general. Though the proposed dormer extensions to the rear of the property would be large in their scale, they would be confined to the rear of the site and not visible from the streetscene. Furthermore their design and appearance would not be considered out of character with or harmful to the host dwelling, and they would appear similar to those which have been granted at St Clare Court.

The application also includes the addition of rooflights to the front roofslope, and it is noted an application at 1 St Clare Court (ref: 16/00263/FULL1) was refused on the ground that "The proposed insertion of the six Velux rooflights to the front elevation would be out of character with the prevailing pattern of roofscapes within the immediate locality and would represent a visually intrusive addition, harmful to the character and appearance of the Area of Special Residential Character".

Whilst front rooflights are not a main feature of roofs within the streetscene it is noted from visiting the site that there are examples visible within close proximity to the application site. Furthermore, the majority of dwellings within the street form single residential units and therefore would be able to add rooflights through permitted development. In any case, the current application proposes the addition of four rooflights, two less than that originally proposed at No.1 Clare Court, and it is considered that their design as conservation style rooflights would be more sympathetic to the host dwelling and would mitigate their impact upon the visual amenities of the streetscene. Given their design it is considered the proposed rooflights would not appear prominent within the roofslope of the host dwelling, nor is it considered that the rooflights would be unduly out of character within the streetscene or the ASRC.

Overall, it is therefore considered on balance that the alterations to the property would not result in any significant harm to its appearance within the streetscene or the visual amenities of the Foxgrove Road ASRC.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

Table 3.3 of the London Plan requires a Gross Internal Area of 50sqm for a one bedroom, two person flat. The GIA of the proposed flats would be approximately 61sqm which is above the minimum required, and would be considered acceptable. Furthermore, the general layout for the flats and the bedroom sizes are considered appropriate, and the combination of the proposed clear rooflights and obscure glazed flank dormer windows are considered to provide appropriate light and outlook to the proposed bedrooms.

The proposed flats would not provide any private amenity space, however this would not be out of keeping with the surrounding pattern of development, and the flats would have access to a shared rear garden to the block of flats. Therefore, it is not considered the lack of private amenity space would warrant a ground for refusal in this instance.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The application site is located in an area with a PTAL rating of 1a (on a scale of 0-6b where 6b is the most accessible). The development seeks permission for two 1 bedroom flats. There is a correlation of car ownership and type of dwelling people reside, suggesting that not all occupiers will own a car. Furthermore, Highways officers consider the development would not have a significant impact on parking in the surrounding road network, and therefore raised no objection to the proposal.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed roof alterations including the rear dormers would add significant bulk to the property, though would not result in any increase to the ridge height of the building. Given this and the siting of the dormers in the roof it is not considered the alterations would result in any significant harm by way of loss of light or outlook to nearby residents.

The rear windows would overlook the playground of St Mary's primary school which is not considered to cause an impact in terms of amenity. The dormer window on the flank elevations would look towards the roofslopes of the adjacent properties, and it is noted the permission at 1-4 Clare Court includes a dormer facing towards the position of the proposed dormer. In any case, the current application states that the proposed dormer windows would be obscure glazed, and therefore the proposal is not considered to result in any significant loss of privacy to nearby residents.

It is noted that concerns have been raised regarding the impact of noise and disturbance of the proposed works, however from a planning perspective this cannot be used as a ground to substantiate refusal of the application.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of

amenity to local residents nor impact detrimentally on the character of the area or the visual amenities of the ASRC.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 12.06.2018

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

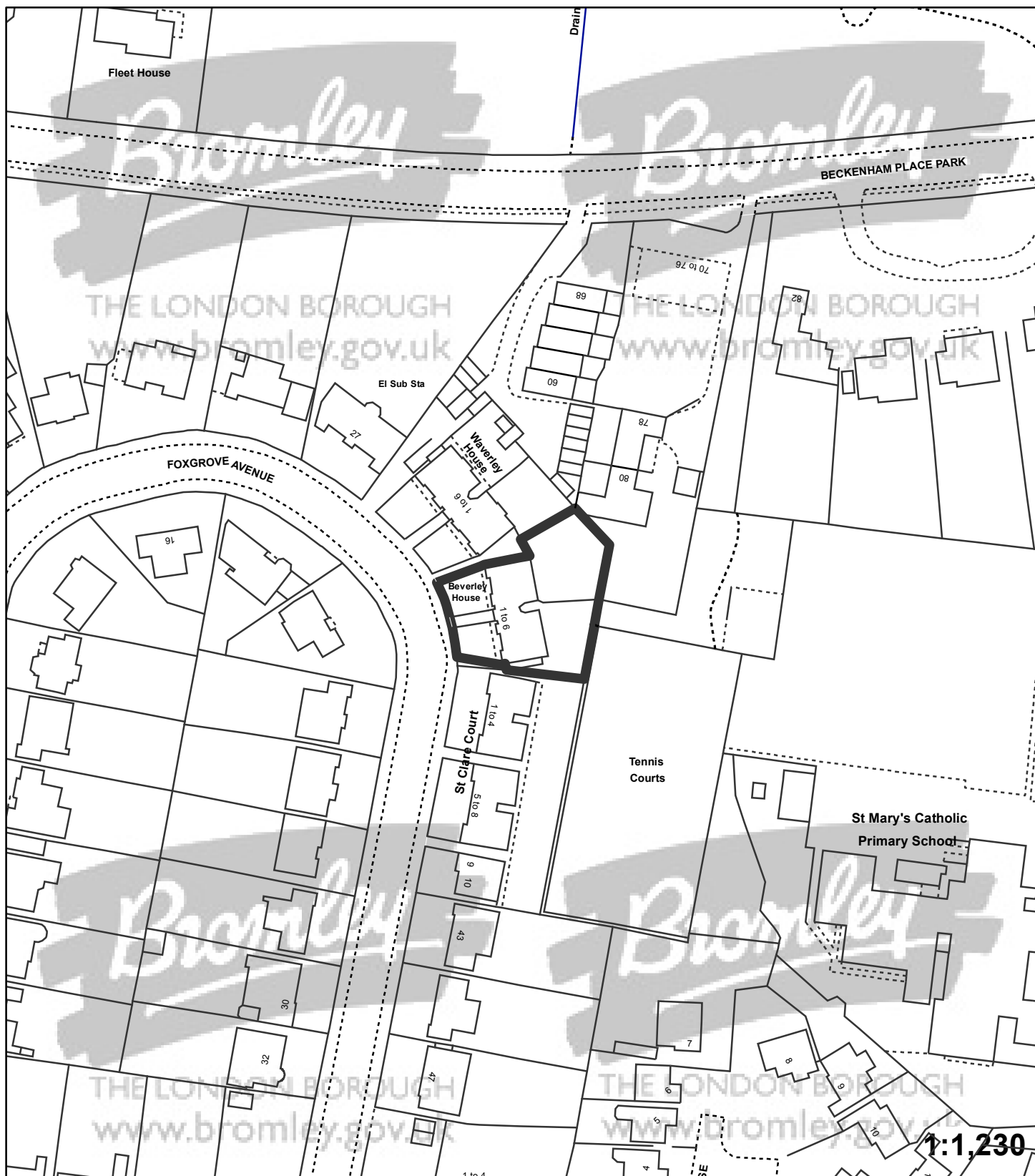
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

Application:18/01788/FULL1

Address: Beverley House Foxgrove Avenue Beckenham BR3 5AZ

Proposal: Loft conversion with roof alterations to include side and rear dormers to create 2x one bedroom flats.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/01804/FULL6

Ward:
Petts Wood And Knoll

Address : 9 Princes Avenue, Petts Wood,
Orpington BR5 1QP

OS Grid Ref: E: 545342 N: 167538

Applicant : Mr & Mrs Du Plessis

Objections : YES

Description of Development:

Demolition of detached garage at rear and erection of single storey side and rear extension

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 4

Proposal

It is proposed to demolish the existing garage, and construct a single storey side and rear extension which would extend up to the side boundary with No.7, and would project 3m beyond the rearmost wall of the property.

The extension would be set back 1.3m from the main front wall of the dwelling, and would have a hipped roof to the side and a flat roof to the rear including a central roof lantern.

Revised plans were submitted on 26th June 2018 which amended the design of the garage door at the front.

Location and Key Constraints

This semi-detached property lies on the south-western side of Princes Avenue, and backs onto No.6 The Chenies. The site is located within Petts Wood Area of Special Residential Character, and backs onto The Chenies, Petts Wood Conservation Area.

It lies adjacent to a detached dwelling at No.7 which has been extended to the side and rear.

Comments from Local Residents and Groups

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

Objections

- The original footprint of the dwelling would be more than doubled which would be overbearing and out of scale
- The extension would cause a terracing effect
- Out of character with the ASRC
- No side space would be provided which is out of keeping with the area
- The design is unbalanced and unsympathetic to the character of the Noel Rees house
- The garage is too narrow to be functional and would detract from the street view
- The extension would be immediately adjacent to a study window at No.7 resulting in loss of light and ventilation
- Increased noise and disturbance to No.7
- The side wall of No.7 would be difficult to maintain.

Local Groups (Petts Wood & District Residents' Association)

- Excessive depth of the extension
- The extension would be immediately adjacent to a study window at No.7 resulting in loss of light and ventilation, and could set a precedent
- Cramped appearance in the street scene

The application was called into committee by a Ward Councillor.

Comments from Consultees

Highways: The proposal includes the removal of the rear garage. The existing side access to the garage would also go but it appears too narrow to easily accommodate a car. The proposed garage is too small for a car, which would leave one parking space on the frontage, as at present, although it may be possible to provide another one if required. No highways objections are raised to the proposals.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

7.4 Local character
7.6 Architecture

Unitary Development Plan

H8 Residential extensions
H10 Areas of Special Residential Character
T3 Parking
BE1 Design of new development
BE13 Development adjacent to a conservation area

Draft Local Plan

6 Residential Extensions
30 Parking
37 General Design of Development
42 Development adjacent to a Conservation Area
44 Areas of Special Residential Character

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows:

Permission was refused in March 2017 (ref.17/00025) for a part one/two storey side/rear extension on the following grounds:

"The proposed two storey side extension, by reason of its size and close proximity to the south-eastern flank boundary with No.7 Princes Avenue, would have a seriously detrimental impact on the character and spatial standards of this part of Petts Wood Area of Special Residential Character, thereby contrary to Policies H8, H10 and BE1 of the Unitary Development Plan."

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Design
- Heritage Impact
- Highways
- Neighbouring amenity
- CIL

Resubmission

The revised proposals have removed the first floor element and are now for a single storey side and rear extension only. The side extension would now abut the boundary with No.7 rather than being set back 1m, but it would be single storey rather than two storey as previously proposed.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed single storey side extension would close the gap between Nos.7 and 9 Princes Avenue, but it would be at ground floor level only, leaving a good separation at first floor level between the two dwellings. Similar single storey side extensions to the boundary have been permitted elsewhere in the Area of Special Residential Character, including at the neighbouring property at No.7.

The roof of the extension would be hipped to the side, and would have a parapet wall adjacent to the boundary with No.7. Although the extension would differ in design from the adjacent side extension at No.7, it would be narrower in width and would not appear overly obtrusive within the street scene.

Having regard to the form, scale and siting, it is considered that the proposed extension would complement the host property and would not appear out of character with surrounding development or the ASRC generally.

Heritage Assets

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Within or adjacent to a Conservation Area:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The proposed extension would be located approximately 25m from the adjacent Conservation Area which borders the rear boundary of the property, and due to its modest size, the extension would not adversely affect the character and appearance of the Conservation Area.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

No highways objections are seen to the loss of the garage as sufficient parking space can be provided on the frontage.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The property already has a two storey rear extension across part of the rear elevation, and the proposed single storey extension would project 3m beyond this. The adjoining dwelling at No.11 has also built a similar depth two storey rear extension, and therefore the proposed extension would project 3m beyond it which is not considered to result in any undue loss of light or outlook to this property.

With regard to the impact on No.7 to the south-east, the proposed single storey extension would lie adjacent to the flank wall of the garage/study at No.7 and would block an existing side window to the study. However, this is an obscure glazed window, and the study is also served by a large rooflight. Therefore, the harm caused is not considered to be so significant to justify a refusal.

The part one/two storey side/ rear extension to No.7 currently projects a significant distance beyond the rear of No.9, and the proposed extension is not therefore considered to have a detrimental impact on light to or outlook from the adjacent property.

Having regard to the scale, siting, separation distance and orientation of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the Area of Special Residential Character, nor on the adjacent Conservation Area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 26.06.2018

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

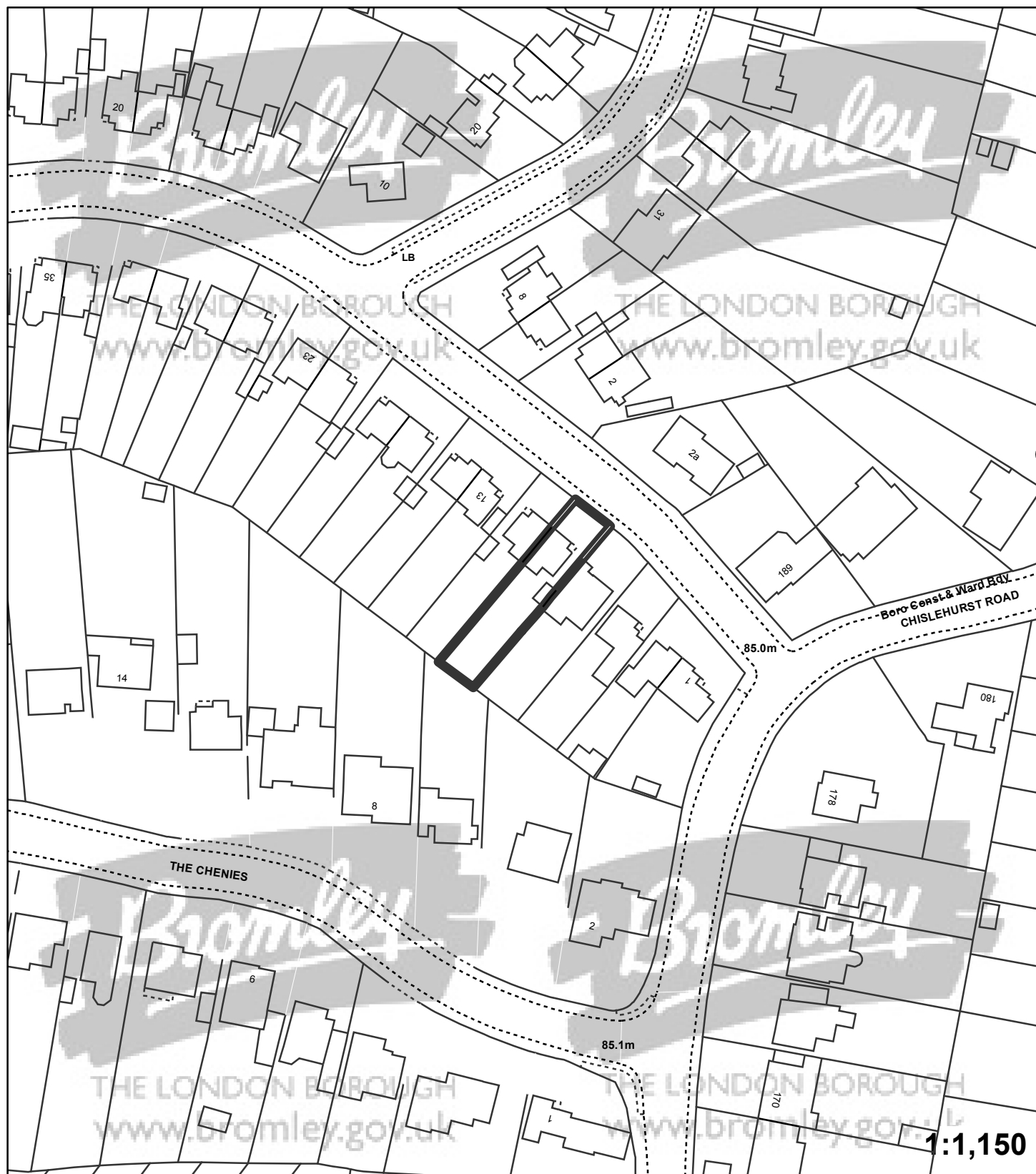
Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

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Application:18/01804/FULL6

Address: 9 Princes Avenue Petts Wood Orpington BR5 1QP

Proposal: Demolition of detached garage at rear and erection of single storey side and rear extension



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/01865/FULL6

Ward:
Kelsey And Eden Park

Address : 72 Lloyds Way, Beckenham BR3 3QS

OS Grid Ref: E: 536714 N: 167771

Applicant : Mr & Mrs Geffen

Objections : NO

Description of Development:

First floor side extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 51

Proposal

The application seeks permission for a first floor side extension with a width of 3.1m and a depth of approx. 6.7m, sited above the existing single storey side element of the property. The extension would project off the side of the existing two storey element and would sit behind the existing pitched roof at single storey level to the front of the dwelling. The extension would have a hipped roof to match the ridge height and eaves height of the existing dwelling.

Location and Key Constraints

The application site hosts a two storey end of terrace dwelling located on the southern side of Lloyd Way, Beckenham.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

7.4 Local character

7.6 Architecture

Unitary Development Plan

H8 Residential extensions

H9 Side space

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

8 Side Space

37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows

- 02/00745/FULL1 - Single storey side and front extension - Permitted 17.04.2002

Considerations

The main issues to be considered in respect of this application are:

- Design
- Neighbouring amenity
- CIL

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed extension is not considered excessive in its width and the roof would provide a continuation of the existing ridge and eaves height to appear in keeping with the host dwelling. The extension is sympathetically designed to complement the host building with the first floor extension set behind the existing pitched roof to the single storey element at the front of the property and the proposed materials to match the existing. As such the extension would not appear overly bulky or dominant within the street scene, and would not detract from the character and appearance of the area in general.

Side Space

Policy H9 requires a minimum of 1m side space to be provided for proposals of two or more storeys in height, and this should be retained for the full height and length of the flank wall or building. Furthermore, where higher standards of separation exist proposals are expected to provide a more generous side space.

The first floor extension would be sited above the existing single storey side element of the property which abuts the boundary, and would sit flush with its flank wall resulting in the first floor extension also abutting the flank boundary of the site.

The dwelling forms an end of terrace property at the eastern end of Lloyds Way. Its flank boundary adjoins a public footpath accessed via a gate adjoining No.72,

which separates the host dwelling from the rear boundaries of properties facing onto Stanhope Grove. There would be a significant distance between the rear of the properties at Stanhope Grove, and the public footpath has a width of 1m which would further separation to a similar width as normally expected by policy H9.

Whilst the development would not provide a minimum side space of 1m the proposal would not result in a terracing effect between the extension and any neighbouring property and the proposed extension would also not cause a cramped appearance within the wider streetscene. It is therefore considered no significant harm to the spatial standards or visual amenities of the streetscene would occur and that proposal does not conflict with the reason for the side space policy and as such is compatible.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension would complement the host property and would not appear out of character with surrounding development or the area generally.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of the impact on neighbouring dwellings, the extension would not project beyond the front or rear and would not be visible from the adjoining dwelling at No.70. There would be a significant separation distance to other nearby properties to the front, flank and rear of the site, and it is therefore considered the extension would not result in any significant harm by way of loss of light or outlook to these neighbours.

The proposed flank elevation of the extension would be blank and therefore would not result in overlooking or a loss of privacy to properties facing Stanhope Grove, though a condition to prevent the addition of any windows in the flank elevation at first floor level is recommended to protect the privacy of these neighbours. Furthermore, the addition of windows in the front and rear elevation of the extension would not result in any significant opportunities for overlooking above that which already exist.

Having regard to the scale, siting and separation distance of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 No windows or doors shall at any time be inserted in the first floor flank elevation(s) of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority.**

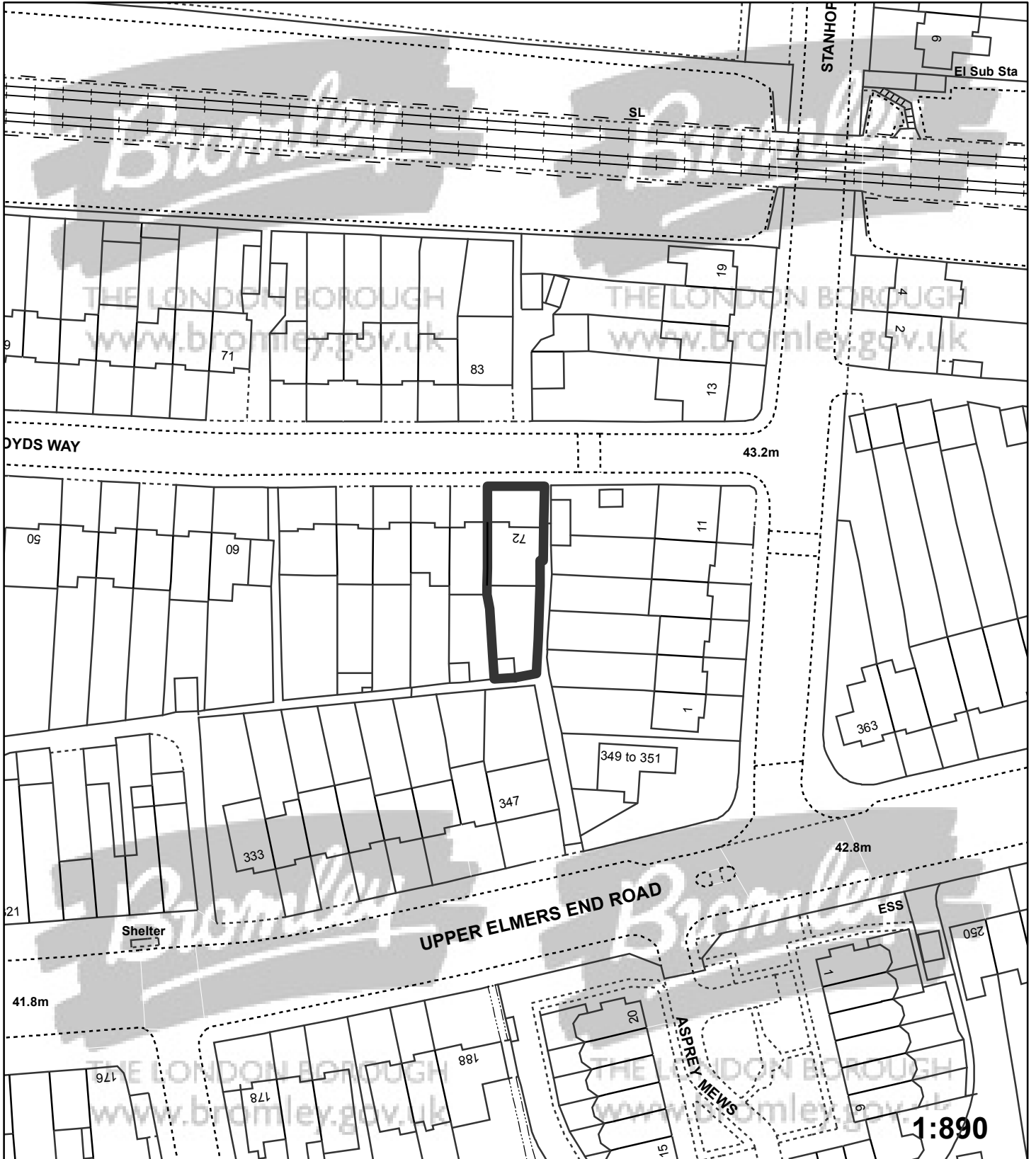
REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

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Application:18/01865/FULL6

Address: 72 Lloyds Way Beckenham BR3 3QS

Proposal: First floor side extension



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/01891/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : 199 Worlds End Lane, Orpington
BR6 6AT

OS Grid Ref: E: 546894 N: 163226

Applicant : Mr & Mrs Terry Henrickson

Objections : NO

Description of Development:

Demolition of existing dwelling and erection of a detached two storey 6 bedroom dwelling with accommodation in roof space to substitute granted scheme DC/16/04691/FULL6

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Open Space Deficiency
Sites of Interest for Nat. Conservation

Proposal

Permission is sought for the demolition of the existing dwelling and erection of a two storey six bedroom detached dwelling with habitable accommodation in the loft space.

The footprint of the proposed dwelling will match the footprint of the previously approved scheme (16/04691/FULL6).

Location and Key Constraints

The application site is located on the southern side of Worlds End Lane and hosts a large two storey detached dwellinghouse. The site is directly adjacent to a public footpath, located to the east of the site. The rear garden falls within the Green Belt, a Site of Importance for Nature Conservation (SINC) and is covered by a blanket Tree Preservation Order.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

Drainage Engineer:

- There is no public surface water sewer near the site so the applicant is required to make his own arrangement as how to dispose of surface water run-off
- Please impose D02 and D06

Highways:

- There is no alteration to the access.
- The site has a large frontage and there is currently parking for a number of cars.
- The Design and Access statement indicates that the parking and turning area will remain.
- Please include the following conditions in any permission - H16 (hardstanding for wash down facilities) and H27 (arrangements for construction period)

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

3.5 Quality and design of housing developments
7.4 Local character
7.6 Architecture
7.16 Green Belt
7.21 Trees and Woodlands

Unitary Development Plan

H9 Side space
T3 Parking
BE1 Design of new development
G6 Land Adjoining Green Belt or Metropolitan Open Land
NE7 Development and Trees

Draft Local Plan

8 Side Space
30 Parking
37 General Design of Development
53 Land Adjoining Green Belt or Metropolitan Open Land
73 Development and Trees

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows:

- 88/00844/FUL - Two storey side extension - Permitted 14.04.1988
- 95/00924/FUL - Single storey rear extension - Permitted 07.06.1995
- 98/03234/FUL - Conversion of integral garage into habitable room, detached double garage - Permitted 13.01.1999
- 14/03061/FULL6 - Rear and side boundary fence - Permitted 22.09.2014
- 16/04691/FULL6 - Two storey rear and front extensions, roof alterations to provide habitable accommodation incorporating rooflights and elevational alterations - Permitted 20.12.2016

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Design

- Standard of residential accommodation
- Highways
- Neighbouring amenity

Resubmission

The site has been subject to a previous permission under planning ref. 16/04691/FULL6 for a "two storey rear and front extensions, roof alterations to provide habitable accommodation incorporating rooflights and elevational alterations".

This current application seeks permission for the demolition of the existing dwelling and the erection of a replacement two storey six bedroom detached dwelling with habitable accommodation in the loft space, to match the footprint of the previous permission. This application also includes an increase in ridge height to provide habitable accommodation in the roof space.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy H9 of the Unitary Development Plan (UDP) states that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site is normally required for the full height and length of the flank wall of the building. The proposal will provide 4.696m to the western flank boundary line however the eastern flank will be located on the boundary line therefore the proposal does not comply with Policy H9 of the UDP. The site is directly adjacent to a public footpath, located to the east of the site which is approximately 4m wide

and the proposed eastern flank wall will match the existing property line. In this instance, it is therefore considered that the proposed dwelling will not result in a cramped form of development on the site, and would not have a detrimental impact on the character and spatial standards of the surrounding area.

The proposed dwelling will include a central gable feature that projects forward, supported by two pillars, and will be flanked by hipped roofs to the side. The footprint of the proposed dwelling will match that permitted under planning ref. 16/04691/FULL6. The proposal includes increase the height of the ridge by 0.35m and height of the flank hip roofs by 0.9m, compared to the approved scheme. The property is set back 33m from the road and benefits from screening along the front and flank boundaries. The design of the property will remain similar to the approved scheme. Whilst the roof will be higher than the existing and the approved schemes, overall it would not appear unduly bulky within the street scene.

In terms of its impact on the adjacent Green Belt, the dwelling would project 5m further to the rear than the existing property, but this is not considered to adversely affect the openness or rural nature of the Green Belt, as the boundary lies a further 15m away to the rear.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed dwelling would complement the host property and would not appear out of character with surrounding development or the area generally.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

The proposed dwelling has a large GIA and all six bedrooms exceed the minimum requirements for double bedrooms. The shape, room size and layout of the rooms in the proposed dwelling are considered to be satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The existing property is set back 33m from the road and currently benefits from a detached double garage located to the front of the property. The proposal will not alter the existing access, driveway or detached garage, therefore sufficient parking and turning space will remain on the frontage. As such, no objection was raised from the Council's Highways Officer.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed dwelling will match the footprint of the approved application. With regards to the neighbouring property to the west, No.197, the proposed dwelling maintains 4.6m side space to the western boundary line. In addition this neighbouring property projects further to the rear than the application site. The flank elevation of No.197 is blank therefore the proposal is not considered to impact on the level of light or privacy to this neighbouring property. To the east, No.201 is separated by the public footpath which is approximately 4m wide. The current application will result in an increase in height, however given the separation to neighbouring properties and the hipped design of the flank roof projections, it is not considered to impact significantly on neighbouring amenity. Furthermore both boundary treatments currently consist of established trees and vegetation, it is therefore considered that the proposal will not result in a detrimental impact on either neighbouring property with regards to loss of light, outlook or visual amenity.

Having regard to the scale, siting, separation distance and existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

4 Before the development hereby permitted is first occupied the proposed first floor flank windows shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

5 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the dwelling hereby permitted, without the prior approval in writing of the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

6 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

7 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

8 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

9 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: To ensure satisfactory implementation of the sustainable drainage proposals and to accord with to London Plan policy 5.13

10 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be retained permanently thereafter.

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

11 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

12 Details of a scheme of landscaping, which shall include use of native plant species where possible, details of all boundary treatment, the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever

is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted. Furthermore all boundary treatments shall be maintained in perpetuity.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

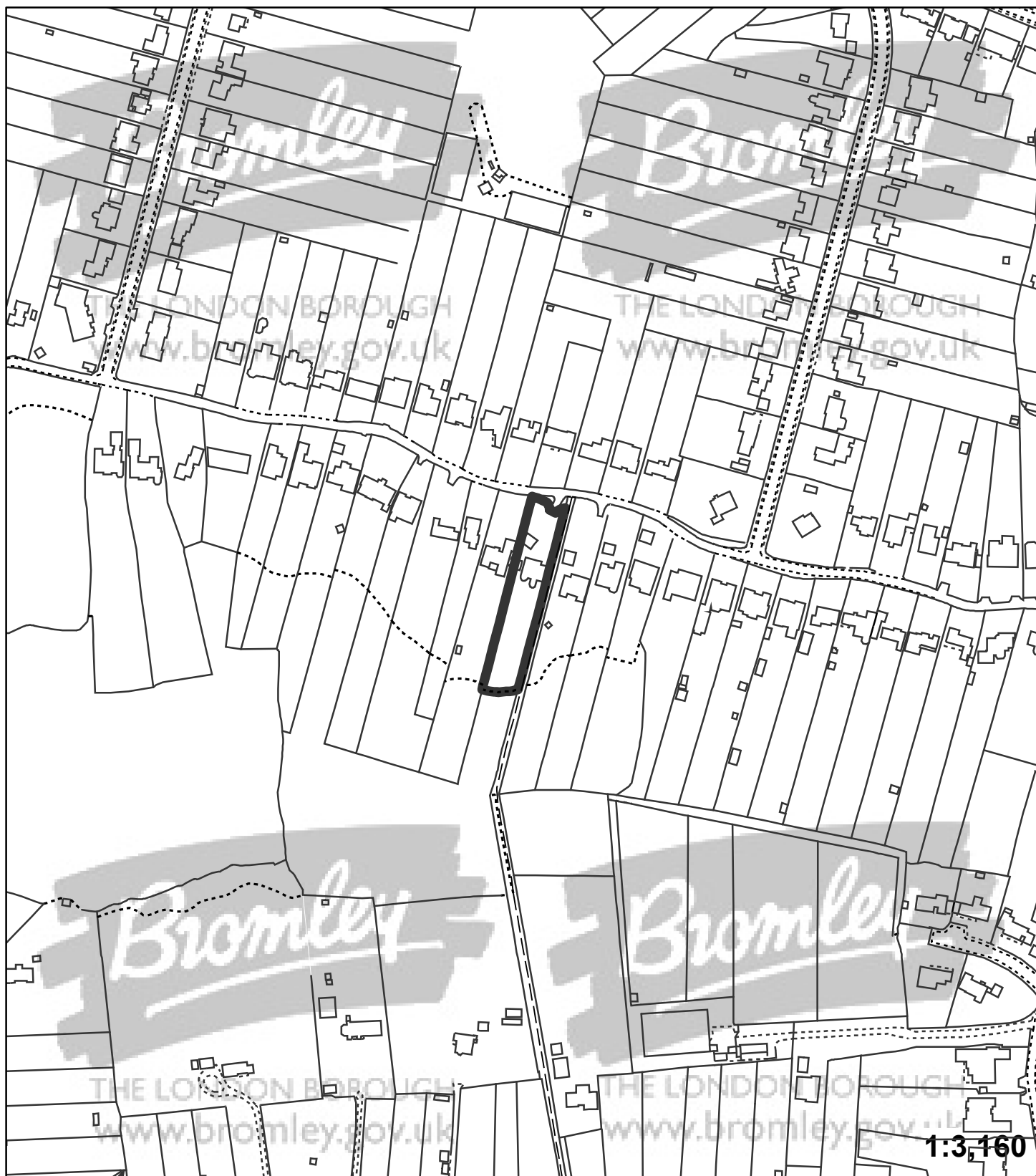
- 13 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the UDP.

Application:18/01891/FULL1

Address: 199 Worlds End Lane Orpington BR6 6AT

Proposal: Demolition of existing dwelling and erection of a detached two storey 6 bedroom dwelling with accommodation in roof space to substitute granted scheme DC/16/04691/FULL6



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/01986/FULL6

Ward:
Farnborough And Crofton

Address : 20 Durrant Way, Orpington BR6 7EH

OS Grid Ref: E: 544931 N: 164299

Applicant : Mr Tim Caswall

Objections : YES

Description of Development:

Part one/two storey/first floor side/rear extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 14

Proposal

The proposal involves a part one/two storey and first floor side and rear extension which would have a width of between 3.4m and 2.3m beyond the flank wall and a total length of 10.4m linking up with the proposed rear element.

The two storey and first floor rear extension would have a maximum depth of rear projection of 3.1m and a total width of 4.9m.

The proposal would have a pitched roof with a stepped ridge level of between 7.6m and 6.7m with gable ends to the side and rear elevation.

Location and Key Constraints

The site hosts a semi-detached two storey dwelling situated on the northern side of Durrant Way and is near to the junction with Ferndale Way.

Comments from Local Residents and Groups

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

Objections

- Detrimental effect on light to back of their property
- Effectively building a 7.5m high wall 15m from all habitable rooms at the rear which faces east and receive morning sun
- Planned windows would overlook rear of their property

Comments from Consultees

No Consultee comments received.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

7.4 Local character

7.6 Architecture

Unitary Development Plan

H8 Residential extensions

H9 Side space

BE1 Design of new development

Draft Local Plan

6 Residential Extensions
8 Side Space
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows:

Application Number	Description	Decision
95/02662/FUL	Single storey side extension	Permitted

Considerations

The main issues to be considered in respect of this application are:

- Design
- Highways
- Neighbouring amenity
- CIL

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy BE1 of the UDP requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

Policy H8 of the UDP requires residential extensions to blend with the style and materials of the host dwelling, and ensure that spaces or gaps between buildings are respected where these contribute to the character of the area.

Policy H9 of the UDP requires that when considering applications for new residential development, including extensions, the Council will normally require for

a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The proposal would involve the demolition of the existing garage and single storey side extension and construction of a part one/two storey side extension which would be built in close proximity to the side boundary at ground floor, with a gap of 0.1m towards the front of the development, and would have a 1m - 1.1m side space at first floor for the full length of the flank wall. The proposal would not therefore technically comply with the Policy H9 as the minimum 1m side space is required for the full height and length of two storey development including any ground floor aspects. However, this side boundary abuts the rear gardens of dwellings on Ferndale Way, and this open space along with the separation from the boundary of 1.1m at first floor to the front would prevent the development from resulting in a cramped development, unrelated terracing, or an unacceptable lowering of the spatial standards of the area.

The proposed single storey aspect would have a flat roof with a height of 2.7m which is modest and would preserve the separation from the boundary at first floor.

Whilst the proposal is not compliant with the Council's side space policy, it may be considered that on balance, the proposed is acceptable in that it is unlikely to result in a cramped appearance in the streetscene or have a seriously harmful impact on surrounding residents, therefore broadly complying with the aims of Policies BE1, H8 and H9 of the Unitary Development Plan.

The proposed two storey side element would have a pitched roof which would be gable ended which would be in-keeping with the design of the host dwelling. The pitched roof would not be stepped down from the main ridge height or set back from the front elevation such as in the case of the extension to the adjoining semi-detached property which would appear more subservient. However, given that the width at first floor is fairly modest, with a width of 2.2m, it is not considered that the proposal would appear overdominant or harmfully unbalance the pair of semi-detached dwellings.

Having regard to the form, scale, siting and proposed materials, it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally or result in a retrograde lowering of the spatial standards to which the area is presently developed.

Highways impact

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The proposal would result in the loss of the attached garage however there is space for two cars to park on the front hardstanding therefore it is not considered that the proposal would have a detrimental impact on road safety or the free flow of traffic.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of residential amenity it is considered that there would be no significant impact on the privacy and amenity of adjoining occupiers in terms of loss of light and outlook, siting and position of the enlarged mass of the extensions in this situation due to the reasonable separation distances to adjacent neighbouring properties.

The proposed first floor rear extension would be separated by a distance of 2.9m to the east flank boundary with no windows in the flank elevation and the roof will be pitched away from the shared property boundary (having an eaves height of 4.8m) with the ridge being stepped down from the main ridge of the host dwelling by 0.9m. No. 18 has benefited from a single storey rear extension near to the boundary with a two storey element set back from the shared boundary similar to the proposal. Therefore, the proposal would not project beyond the ground floor rear windows of this neighbouring property. The proposed extension would affect oblique views only from the first floor windows of No. 18 and the separation and general relationship is considered to be acceptable in light of the modest scale and rear projection of the proposal and separation distance to the shared boundary to prevent a harmful loss of outlook, light and privacy to this neighbouring property.

The proposal is sited near to the boundary which adjoins the rear gardens of No. 2 and 4 Ferndale Way, as these properties do not benefit from substantial rear gardens in term of their depth. As such, the property would already have a degree of impact on the outlook from the rear of these properties. The proposed first floor side and rear extension would be set in 1m to 1.1m from the boundary and would not exceed the height of the existing dwelling. It would have a modest width in terms of projecting closer to the boundary than the existing first floor flank wall. The other elements of the proposal to the rear of would have a pitched roof which is stepped down significantly from the main ridge and the roof would pitch away from the shared boundary with an eaves height of 4.8m at this point which would lessen the bulk of the extension beyond the existing flank wall. There would be a separation of 14m from the main rear elevations of Nos. 2 and 4. The single storey

side extension would replace an existing side garage and extension and would not be clearly visible from No. 2 given the siting of a rear garage along this boundary.

Therefore, on balance it is considered the proposal would not result in significant additional harm above that which already exists. The proposal would incorporate two first floor side window serving bathrooms, therefore a condition is recommended to restrict the windows to obscure glazing and to restrict any addition of windows at first floor level in order to protect the privacy of this neighbour.

Having regard to the scale, siting, separation distance, orientation and existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

Subject to the imposition conditions regarding the use and retention of obscure glazing to the first floor flank window(s) it is not considered that an unacceptable loss of privacy to neighbouring dwellings would arise.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character or spatial standards of the area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first floor flank elevation(s) of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 5** Before the development hereby permitted is first occupied the proposed window(s) in the first floor west flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

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Application:18/01986/FULL6

Address: 20 Durrant Way Orpington BR6 7EH

Proposal: Part one/two storey/first floor side/rear extension



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/02019/FULL6

Ward:
Chislehurst

Address : 37 Heathfield, Chislehurst BR7 6AF

OS Grid Ref: E: 544290 N: 170596

Applicant : Mr John Hersey-Walker

Objections : NO

Description of Development:

Single storey rear extension, side dormers, additional front dormers & roof alterations, additional garage door to front

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Smoke Control SCA 16

Proposal

The application seeks planning permission for a single storey rear extension, dormers to the front and side elevations and roof/elevational alterations.

The proposed single storey rear extension will project 7.0m in depth along the boundary with No. 35 with a width of 7.4m. The extension will have a dual pitched 'M' shaped roof. One part of the extension will measure 5.8m in height at its maximum for a depth of 3.3m before stepping down to 5.1m. The second part will measure 5.5m in height at its maximum. The extension will have an eaves height of 2.5m

The proposed roof alterations consist of dormers to each side elevation; two additional dormers to the front elevation; removal of the gable end pitched roof at the front elevation; formation of flat roof and addition of roof lantern; alterations to the central gable end pitched roof at the front elevation with the addition of one roof light to each roofslope; and Juliet balcony to rear dormers.

The proposed elevational alterations consist of the addition of a garage door; removal of the bay window and extension front extension measuring 0.7m in depth and 4.1m in width and addition of a door and window to flank elevation facing No.35.

Location

The application site comprises a two storey detached dwellinghouse located on the southern side of Heathfield, Chislehurst. The property is not listed and is located within the Chislehurst Conservation Area.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

Conservation Officer: I am unclear if this would now breach H9 in terms of side space but from a conservation area perspective there is no harm being caused providing they match materials.

APCA: No comments received.

Tree Officer: No objection.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration.

The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

Unitary Development Plan

- H8 Residential extensions
- H9 Side Space
- BE1 Design of new development
- BE11 Conservation Areas
- BE14 Trees in Conservation Areas

Draft Local Plan

- 6 Residential Extensions
- 37 General Design of Development
- 41 Conservation Areas
- 43 Trees in Conservation Areas

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- SPG - Chislehurst Conservation Area

Planning History

The relevant planning history relating to the application site is summarised as follows:

89/02962/FUL - Part ground, part first floor extension to bungalow to form part one, part two storey house - Application Refused.

90/02278/FUL - Front and rear and side dormer extensions- Application Permitted.

96/02867/FUL - Front and rear dormers to existing bungalow, two storey link to garage incorporating first floor within roofspace and front dormer, single storey conservatory to side/rear - Application Permitted.

05/01473/FULL6 - Attached garage at side - Application Refused.

Considerations

The main issues to be considered in respect of this application are:

- Design
- Neighbouring amenity
- Heritage Impact
- Trees in Conservation Areas

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The host dwelling currently benefits from a single storey rear conservatory that projects 4.9m in depth and 3.5m in width. The proposed single storey rear extension will replace the conservatory projecting a further 2.1m in depth with an additional width of 3.8m. The proposed extension would leave a distance of 4.2m from its rearmost wall to the end of the rear garden. It is considered that the proposed depth and height of the extension would be subservient to the main dwelling and not overdevelop the site as a whole. The proposed materials will match those of the existing dwelling which will be complementary and compatible with the application site and developments in the surrounding area. This element of the proposal would not be visible from the street and so will not harm the character of the area or the streetscene in general.

The proposed size, scale and bulk for the roof alterations will alter the appearance of the host dwelling. The ridge height of the main roof will not change, however the bulk of the roof will increase with the addition of the dormers and the flat roof. The pitching back of the gable end pitched roof situated over the existing garage will help to mitigate the impact of the additional bulk. The alterations to the roof to partly pitch the gable end roof of the central element of the front elevation would also work to lessen the bulk of the roof and is similar in design to that of No.35 and several other properties within the immediate area. The existing separation distance between the neighbouring properties and the distance from the front elevation to the highway would be preserved.

The proposed dormers to the front roofslope would be relatively modest in size. The host dwelling currently benefits from three front dormers, it is also noted that the neighbouring property, No.39 and a number of other properties within the immediate area benefit from front dormers of various sizes. While the proposed side dormers would increase the bulk of the roofslope they would also be set in

from the eaves and have gable end pitched roofs which would lessen their impact and be in keeping with the host dwelling. The Juliet balcony to the rear would not be visible from the street and so will not harm the character of the area or the streetscene in general. The proposed materials will match those of the existing dwelling which will be complementary and compatible with the application site and developments in the surrounding area. It is therefore considered that, on balance, the proposed roof alterations would complement the host property and would not appear out of character with surrounding development.

Policy H9 states that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building. The addition of the side dormer facing onto No.35 and the separation distance of 0.7m between the flank wall and the boundary means that the proposed development contravenes the requirements of the policy. Taking into consideration the proposed height and depth of the side dormer and the size of the plots in which the two properties sit, it is considered that adequate separation would still exist and that the development would not create a cramped appearance or lead to unrelated terracing.

The proposed elevational alterations will also alter the appearance of the host dwelling. The front extension would remove the bay window and bring this element of the dwelling forward by 0.7m. This would remain set back from the main front elevation and would not be out of keeping with properties in the surrounding area. The entrance door and window located next to the existing garage will be removed and replaced with an additional garage door. This will give the host dwelling a more uniform appearance with one central entrance and would be constructed of matching materials which would complement the host property and would not be out of character with surrounding development. The door and window to the flank elevation would not be visible from the street and so will not harm the character of the area or the streetscene in general. It is therefore considered that the proposed elevational alterations would complement the host property and would not appear out of character with surrounding development.

Having regard to the form, scale, siting and proposed materials it is considered that, on balance, the proposed extension would complement the host property and would not appear out of character with surrounding development or the area generally.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed rear extension, because of its height, depth and proximity to the neighbouring boundary, will have a visual impact on No.35. Taking into account the plot sizes of both properties, the orientation of No.35 which is sited slight away from the rear of the host dwelling it is considered that any visual incursion would not be adverse enough to warrant a refusal of the application. It is also noted that there are a number of established trees and shrubs along this boundary which would provide

effective screening. The rear extension would sit approximately 16m away from the boundary with No.39. Given the orientation of the site and the separation distance it is not considered that any visual impact on No.39 would be adverse enough to warrant a refusal of the application. The proposed windows in the rear and side return elevation would not result in overlooking or an increased loss of privacy out of character in terms of what currently exists.

The proposed roof alterations will result in some visual impact to the neighbouring properties due to its increased bulk. The proposed side dormers would have obscure glass to prevent overlooking to the neighbours either side. The proposed front dormers will sit at least 11.0m away from the front boundary of the site. Due to their proposed size and location it is not considered that the proposed front dormers or additional rooflights would result in an increased chance of overlooking out of character in terms of that expected within a typical residential layout. It is also not considered that the proposed additional bulk to the roof would result in significant harm to either neighbouring property in terms of overshadowing or loss of light. It is therefore not considered that proposed roof alterations will result in a significant loss of amenity to neighbouring properties.

Having regard to the scale, siting, separation distance and orientation of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

Heritage Impact

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed. The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

Policy BE11 of the UDP seeks to preserve or enhance the character or appearance of conservation areas and in particular sets out that an alteration or extension to a building within a conservation area will be expected to respect or complement the layout, scale, form and materials of the existing building and space.

The property falls within the Chislehurst Conservation Area. For the reasons outlined above it is considered that the extensions would also preserve the character and appearance of the Conservation Area. The Councils Conservation Officer has not raised an objection to the application subject to a condition requiring the use of matching materials.

Trees in Conservation Areas

Policy BE14 states that development will not be permitted if it will damage or lead to the loss of one or more trees in the conservation area, unless the removal of the tree(s) is necessary in the interest of good arboricultural practice, the reason for the development outweighs the amenity value of the tree(s) or in granting permission for the development, one or more appropriate replacement trees of a native species will be sought either on or off site through the use of conditions or planning obligations.

As part of the application it is proposed to remove the apple tree located at the rear of the property. It is noted that the wording of the policy would require the replacement of the tree in the event that planning permission is granted. However, the Council has previously received an application for the removal of the apple tree under reference 18/01854/TREE. As part of that application no objection was raised against its removal and no requirement for a replacement was put in place. It is therefore considered that it would not be expedient as part of this application to require the provision of a replacement tree either on or off site.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area and the Conservation Area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

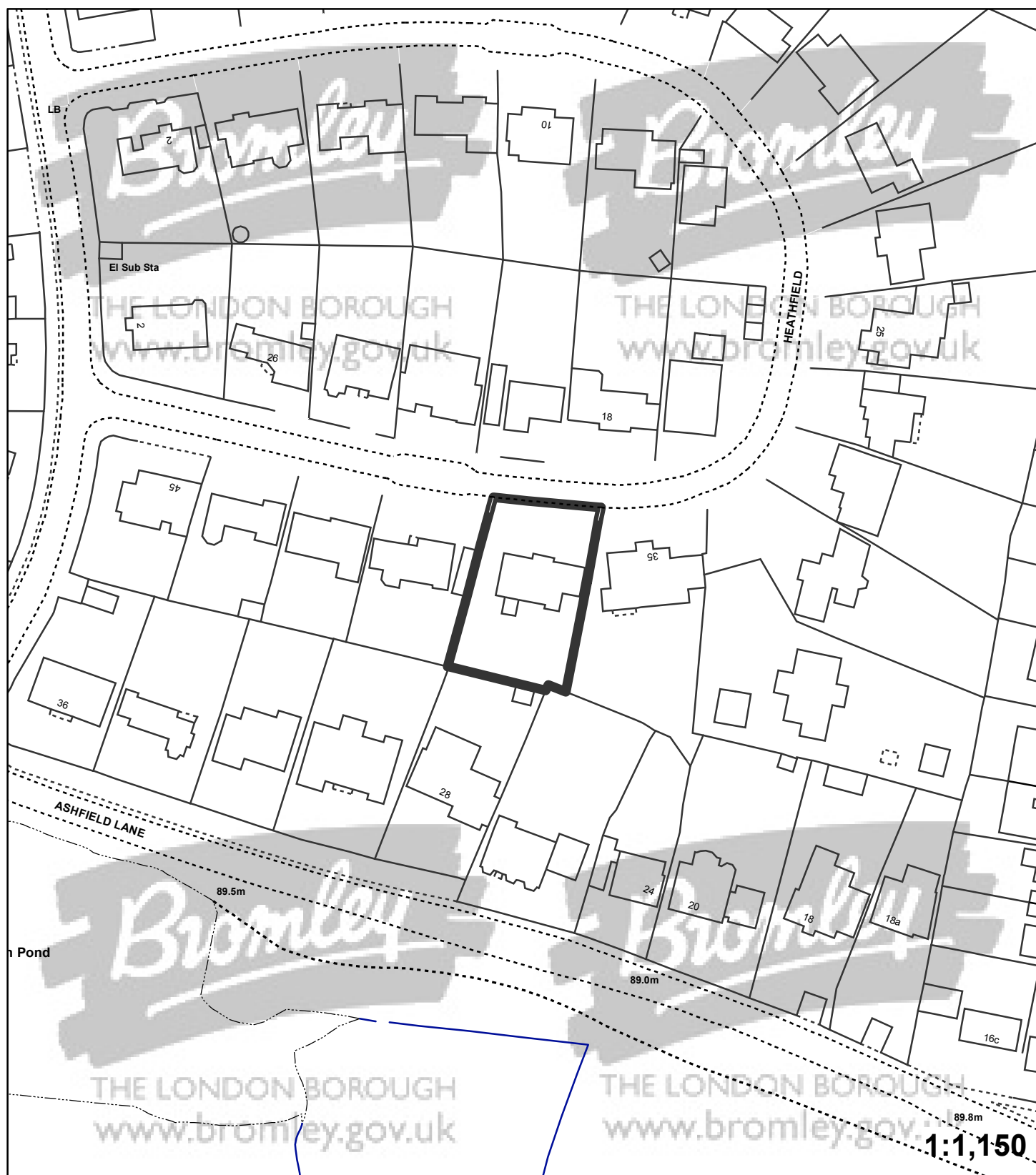
REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

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Application:18/02019/FULL6

Address: 37 Heathfield Chislehurst BR7 6AF

<BOL>Proposal:</BOL> Single storey rear extension, side dormers, additional front dormers & roof alterations, additional garage door to front



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/02285/RECON

Ward:
Petts Wood And Knoll

Address : 10 Wood Ride, Petts Wood, Orpington
BR5 1PX

OS Grid Ref: E: 545299 N: 168070

Applicant : Mr P Prendergast

Objections : YES

Description of Development:

Application submitted under S73 of the Town and Country Planning Act 1990 for the variation of Condition 3 to DC/16/00572/FULL6 granted for part one/two storey side/rear extension with dormer windows, inset balcony, alterations to detached outbuilding to rear, additional vehicular access, elevational alterations and associated landscaping, to facilitate the addition of a basement, a chimney flue to the front elevation, 1 x rooflight to the side and internal alterations.

Key designations:

Conservation Area: Chislehurst Road Petts Wood

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Smoke Control SCA 4

Proposal

The application proposes a variation of Condition 3 of permission 16/00572/FULL6 which stated that, "The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority," in order to facilitate the addition of a basement, a chimney flue to the front elevation, one rooflight to the side and internal alterations to provide a stairway to the basement and a gallery landing at first floor.

Location and Key Constraints

The application site hosts a two storey detached dwelling on the northern side of Wood Ride, the property sits on a wide plot which tapers out to the rear.

The application site also falls within the Chislehurst Road Petts Wood Conservation Area.

Comments from Local Residents and Groups

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

Objections

- Loss of heritage value of the property
- Concern regarding structural integrity of the property, suitability of the site, impact on trees and impact on neighbouring properties
- Previous permission is not a fall-back
- Loss of original internal features
- No analysis on the structural integrity of the basement
- Insufficient information on the impact of root protection areas
- No information provided on ventilation system
- This application would set an unacceptable precedent for demolition in this area
- Failure to address previous structural concerns
- Extensions will have an impact on the wider Conservation Area

Comments from Consultees

Conservation Officer: No objections were raised subject to conditions

Tree Officer: No objections were raised and no conditions requested

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

Unitary Development Plan

H8 Residential extensions

H9 Side space

BE1 Design of new development

BE11 Conservation areas

Draft Local Plan

6 Residential Extensions

8 Side Space

37 General Design of Development

41 Conservation Areas

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Chislehurst Road, Petts Wood Conservation Area SPG

Planning History

The relevant planning history relating to the application site is summarised as follows:

- 95/02065/FUL; Single storey rear extension to existing garage; Permitted
- 96/00204/FUL; Arched wall attached to house; Permitted
- 11/03876/FULL6; Roof alterations to incorporate 3 rear dormer extensions; Permitted
- 16/00572/FULL6; Part one/two storey side/rear extension with dormer windows, inset balcony, alterations to detached outbuilding to rear, additional vehicular access, elevational alterations and associated landscaping; Permitted
- 16/00572/AMD; AMENDMENT: internal layout changes; Approve non material amendment
- 17/02535/RECON; Application submitted under S73 of the Town and Country Planning Act 1990 for the variation of Condition 3 to DC/16/00572/FULL6 granted for part one/two storey side/rear extension with dormer windows, inset balcony, alterations to detached outbuilding to rear, additional vehicular access, elevational alterations and

associated landscaping, to facilitate the addition of a basement, a chimney flue to the front elevation, 1 x rooflight to the side and internal alterations; Refused; Appeal dismissed

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Design
- Heritage Impact
- Neighbouring amenity
- CIL

Resubmission

The application seeks to overcome the previous refusal under reference 17/02535/RECON which was refused and a subsequent appeal was dismissed. The reason for the appeal being dismissed was the impact of the change of design to the front porch. The inspector also raised the issue of a lack of information regarding the trees on the site.

The tree officer raised no concerns about the trees on the site and did not request any further information to make their assessment. The design of the porch has been changed so that it now retains the original appearance of the frontage, as such it is considered that the issues of concern raised by the Inspector have been overcome.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed alterations would complement the host property and would not appear out of character with surrounding development or the area generally.

The basement would not be visible at ground floor level and would therefore have no impact on the character and appearance of the host dwelling or street scene.

The chimney flue to the front would be between the main dwelling and the single storey side element and does not protrude past the main ridge of either, it is therefore considered that it would not have any material impact on the character and appearance of the host dwelling nor the street scene.

The scheme differs from the previous one in that the porch is no longer "cut off" by an internal wall and now retains the open oval porch which is characteristic of the area.

Heritage Assets

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Within or adjacent to a Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The changes to the front from the previously approved application are considered to be minimal and as such it is considered that the proposed development would preserve the character and appearance of the conservation area.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

The basement would not span the whole width of the property and would provide further habitable rooms to the dwelling, as this would not project it is considered that there would be little impact on the adjoining occupiers in relation to the basement in planning terms.

The chimney flue does not project past the main ridge and is therefore considered to have little impact on neighbouring amenity. Whilst it is noted that neighbours

have raised concerns about ventilation the Inspector confirmed that there was no concern regarding its impact on neighbouring amenity.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPROVAL

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2 Details (including samples) of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

- 4 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority**

before any work is commenced. The windows shall be installed in accordance with the approved details.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 5** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals and to accord with London Plan Policy 5.13 Sustainable Drainage

- 7** The development shall be implemented in accordance with the Arboricultural Report/Tree Protection Plan submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

- 8** The flat roof area of the extension shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 9** Before any work is undertaken in pursuance of the grant of planning permission, an engineer's report with drawings shall be submitted to and approved in writing by the Local Planning Authority of such steps to be

taken to secure and retain the existing front facade and front roof slope during the construction phase.

Reason: In the interest of protecting the character and appearance of the dwelling, preserving the amenities of the Chislehurst Road Petts Wood Conservation Area and to comply with Policies H8, BE1 and BE11 of the Unitary Development Plan.

Application:18/02285/RECON

Address: 10 Wood Ride Petts Wood Orpington BR5 1PX

Proposal: Application submitted under S73 of the Town and Country Planning Act 1990 for the variation of Condition 3 to DC/16/00572/FULL6 granted for part one/two storey side/rear extension with dormer windows, inset balcony, alterations to detached outbuilding to rear, additional



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 18/02106/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : 21 Windsor Drive, Orpington BR6 6EY

OS Grid Ref: E: 546700 N: 164032

Applicant : Mrs Shu Juan Zhang

Objections : YES

Description of Development:

Change of use from A1 (retail) to A3 (restaurant) incorporating single-storey rear extension and associated ventilation equipment.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 28

Proposal

The application proposes the change of use of the unit from A1 (shop) to A3 (restaurant), single storey rear extension and associated ventilation equipment. The extension will have a rearward projection of approx. 6m, a width of approx. 5.3m to span the width of the site, and the extraction equipment is to be located upon the roof space of the single storey rear extension.

The application site is a three storey terraced property with a commercial unit at ground floor level facing Windsor Drive and accessible by pedestrians from the front, and there is residential accommodation above at first and second floor level.

The applicant now occupies the first and second floors, which are accessible via an external staircase to the rear of the building, whereas the retail unit is accessed from the front by vehicle and pedestrians.

The proposed floor area of the kitchen is 88 sqm.

The proposed opening hours of the restaurant use would be as follows:

Monday to Friday - 10:30 - 22:00

Saturdays - 10:30 - 23:00

Sundays and bank Holidays - 12:00 - 22:00.

The application was supported by the following documents:

- Design and Access Statement
- Technical details of the ventilation system

Location and Key Constraints

The application site is located on the south-eastern side of Windsor Drive, and hosts a three storey terraced property with a commercial unit at ground floor level facing Windsor Drive and residential accommodation above at first and second floor level. The applicant now occupies the first and second floors, which is accessible via an external staircase to the rear of the building.

Comments from Local Residents and Groups

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

Objections

- Have lost count how many times an application for a fast food restaurant has been made in this historic parade of shops.
- The Sandwich bar two doors away called Bread and Butter are constantly asked by various kebab owners to sell his premises in the hope that once the Council allow this proposal to proceed it would set a precedent and the flood gates will open for several hot food outlets to be granted and the ruination of another parade of shops will have begun;
- The objection is not just based upon the ambiance of the area but more from the concerns of the immediate local residents;
- Not one person within 100 dwellings either side has supported this application. All fear the smells from the kitchen will be over powering and because over 21 flats front doors and bedrooms are at the rear where the proposed chimney will be our quality of life will be significantly degraded. I am sure no Council member would like to live alongside any fast food takeaway shop for the same reasons as I state: the smells and fumes will be overwhelming and cannot be masked;
- The addition of litter on the highway will definitely be increased and cause deterioration in the area;
- The increased noise levels will disturb all the local residents of which 5 immediate properties have children under the age of eight years old;
- The proximity of the pub is very close and will encourage more late night revellers to spill onto the streets and head to a Chinese that then will cause distress disturbance and a proliferation of litter. As it is the Pub often play music late into the night at maximum volume;
- There is always a requirement for fast food establishments but not near local residents, please;
- The other point is the Additional proposal for the single storey rear extension and associated ventilation equipment - this additional building will allow the restaurant to have more covers and seating equalling more noise pollution;

- The associated ventilation equipment barely meets the necessary standards of health and safety but the most important factor is no ventilation equipment will expel the smells away. The top of the chimney is in line with my bedroom and my neighbours children's bedrooms. All too often local residents concerns are not heard and if they live nearby long term rented accommodation not even their views are solicited;
- There is a local campaign that the local press will be made aware of to beg the Council to standby their original position and prevent this planning application to be granted;
- I send comments on behalf of the many residents whom live adjacent to the proposed change of use retail unit. Please be aware that several people have approached this family to buy the shop to sell birthday cards and antiques but they refused to sell because they hope to wear the Council down into permitting the change of use. The owners have several restaurants and care not about the impact these have on the local community as it's not where they live.
- Concerns re security, well-being and economic affects for the community;

Support

- I write to support this application for the extension and change of use. The family who propose to establish a restaurant live above the premises and are not likely to want to create problems for themselves. They own the freehold and it is in their interest to maintain the premises and the local ambiance to the highest possible standards. They are proposing to establish a high end Chinese restaurant and not a cheap & cheerful takeaway creating noise and rubbish. The Council can certainly put some strict conditions with regards to hours of operation and refuse and ventilation management. The rear of these shops is an access road that has usual fly-tipping and dangerous rubbish including exposed asbestos, soiled mattresses and so on, so it is highly unhealthy for all the residents especially young children.
- I am a local estate agent in the parade and in 4 years I have not had any approach for anyone wanting to rent the shop for retail use. Frankly speaking all retail parades are under pressure from online retail outlets so we have to be more creative with our empty premises.
- I have dealt with the family at the premises and feel confident that they will make a good job of continuing to be good neighbours.
- I am writing to support this application for the extension and change of use. I live above number 21 and I see no issues with the proposed restaurant.
- The proposal is for a high end Chinese restaurant, and not a cheap takeaway. As such, noise levels should be kept to a minimum, and it is highly unlikely that any neighbours would be able to hear any noise. The objections to the smells from the chimney are also unfounded. Current ventilation technologies are very good, it is unlikely that smells will reach the neighbours. The presence of the pub is also irrelevant - people from the pub tend to go and find kebab shops and takeaways. They do not go and dine in a high end restaurant! In addition, the restaurant does not intend to open as late as the pub. The pub opens until midnight; the restaurant plans to close earlier than that.

- Furthermore, the objections raised by 17a to the extension do not make any sense. As stated in the application, the purpose for the extension is to house kitchen equipment, not for additional restaurant seating. Therefore, there will not be extra people and no extra noise. Currently, the back is very untidy and contains lots of rubbish left by fly tippers. Tidying the back will benefit all the nearby residents.
- The existence of an additional restaurant will benefit the entire high street by attracting more people, meaning that local businesses will also benefit. It would also provide extra jobs for the local community.

Comments from Consultees

Environmental Health Pollution Officer: The application has been considered and it is recommended that permission be refused as no effective kitchen extraction system is proposed.

The principal concern is that the kitchen extract system discharges at low level and is therefore likely to give rise to cooking odour complaints and loss of amenity. The generic information submitted would indicate that the applicant intends to fit carbon filters (quantity not specified) and a high efficiency contra-rotating fan (model not specified) as well as a silencer and sound absorbent cladding (no specific information regarding either is included). However the information provided is not considered appropriate or sufficient in order to alleviate technical concerns currently raised.

A detailed specification should be provided to demonstrate compliance with Bromley's Standard, and details of the reasons for specifying attenuators and the noise reduction expected should also be provided.

Drainage Engineer: no technical objections.

Highways: The proposal is essentially a change of use from A3 café, as permitted by the previous application, to A3 restaurant. The site has a PTAL rating of 2 (low) where car use by customers could be expected and London Plan Parking Standards suggest 2 parking spaces should be provided. No information has been provided regarding the operational needs of the unit in terms of deliveries and staff parking and how the site would deal with these, and whilst the site has rear access, no detail is provided regarding how the area would be utilised in connection with the above and indeed residential parking.

Notwithstanding this, no technical Highway objections are raised.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

7.15 Reducing and Managing Noise

Unitary Development Plan

BE1 Design of New Development
S5 Local Neighbourhood Centres, Parades and Individual Shops
S9 Food and Drink Premises
ER9 Ventilation

Emerging Local Plan

Draft Policy 37 Design of new development
Draft Policy 96 Neighbourhood Local Centres, Local parades and Individual Shops
Draft Policy 98 Restaurants, Pubs and Hot Food Takeaway
Draft Policy 121 Ventilation and Odour Control

Supplementary Planning Guidance

Supplementary Planning Guidance 1 General Design Guidance
Supplementary Planning Guidance 2 Residential Design Principles

Planning History

15/01138/FULL2 - Proposed change of use from post office to restaurant/take away (A3 /A5) and single storey rear extension - Refused

Reason: 1. The proposed single storey rear extension is considered a bulky and incongruous form of development due to its size, scale and design which would be out of place within the surrounding locality. Furthermore, the proposed extension would remove the outdoor amenity space utilised by the first and second floor flats contrary to policy BE1 and the outdoor space standards as laid out within the London Plan Housing Supplementary Planning Guidance (2015).

2. The proposal would, in the absence of any marketing information to demonstrate otherwise, result in the unacceptable loss of a viable retail unit contrary Policy S5 of the Unitary Development Plan.

3. The proposal would, due to the lack of information provided with regards to the type, size or location of ventilation equipment, be prejudicial to the amenities of occupants of nearby residential accommodation by reason of cooking smells and noise contrary to Policies ER9 and S9 of the Unitary Development Plan and Policy 7.15 of the London Plan 2015.

15/04284/RESTCA - Change of use of shop from Class A1 (Retail) to Class A3 (Restaurant) (56 day application for prior approval under Schedule 2, Part 3 Class C of the GPDO) - Prior Approval Required and Refused

Reasons:

1. The proposed ventilation is unsatisfactory as it provides no odour abatement and in the absence of evidence to suggest the contrary, would adversely impact residential amenity by virtue of noise. The extent of the proposed opening hours would exacerbate noise within the site by virtue of transient pedestrian and vehicle movements within close proximity to neighbouring dwellings contrary to policy BE1 and S9 of the Unitary Development Plan, Policy 7.15 of The London Plan and the Mayors SPG Housing (2012).

2. The applicant has failed to provide sufficient information in respect of refuse and waste management and in accordance with PART W (3) (b) of the GPDO (2015) therefore the Council are unable to fully assess the impact of refuse, contrary to saved policy BE1 and S9.

3. The proposed siting and location of the ventilation ductwork is considered incongruous, prominent and unsightly when viewed from the rear of 21 Windsor Drive contrary to policy BE1 of the Unitary Development Plan.

4. The proposed Class A3 is not considered to contribute to the vitality or range of local services within the shopping parade and in the absence of information to demonstrate otherwise, the loss of the A1 unit would have a detrimental impact upon the vitality of the shopping parade given the extent of neighbouring A3/A5 uses and the loss of a viable retail unit contrary to policy S5 of the Unitary Development Plan.

15/04507/FULL1 - Proposed single storey rear extension - Refused

Reasons: The proposed single storey rear extension is considered a bulky and incongruous form of development due to its size, scale and design which would be out of place within the surrounding locality. Furthermore, the proposed extension would remove the outdoor amenity space and access utilised by the first and second floor flats contrary to policy BE1 of the Unitary Development Plan.

16/00724/RESTCA - Change of use of shop from Class A1 (Retail) to Class A3 (Restaurant) - Prior approval required and refused

Reasons:

1. The applicant has failed to provide any information in respect of hours of opening, and in accordance with PART W (3) (b) of the GPDO (2015) therefore the Council are unable to fully assess the impact of the opening hours on the surrounding residential amenity, contrary to saved policy BE1 and S9, Policy 7.15 of The London Plan and the Mayors SPG Housing (2012).

2. The applicant has failed to provide sufficient information in respect of ventilation, and in accordance with PART W (3) (b) of the GPDO (2015) therefore the Council are unable to fully assess the impact of ventilation, noise and odour, contrary to saved policy BE1 and S9.

3. The applicant has failed to provide sufficient information in respect of refuse and waste management and in accordance with PART W (3) (b) of the GPDO (2015) therefore the Council are unable to fully assess the impact of refuse, contrary to saved policy BE1 and S9.

4. The applicant has failed to provide sufficient information in respect of transport and highways and in accordance with PART W (3) (b) of the GPDO (2015) therefore the Council are unable to fully assess the impact on parking demand, contrary to saved policy BE1 and S9.

5. The proposed Class A3 is not considered to contribute to the vitality or range of local services within the shopping parade and in the absence of information to demonstrate otherwise, the loss of the A1 unit would have a detrimental impact upon the vitality of the shopping parade given the extent of neighbouring A3/A5 uses and the loss of a viable retail unit contrary to policy S5 of the Unitary Development Plan.

16/02189/RESTCA- Change of use of shop from class A1 (retail) to class A3 (restaurant) (56 day application in respect of noise, odour, waste, opening hours, highways, service provision, sustainability and appearance under Class C Part 3 of the GPDO- Grant Prior Approval

16/04445/FULL1 - Proposed single storey rear extension and installation of kitchen extract system - Application refused

Reasons:

1. The proposed single storey rear extension is considered a bulky and incongruous form of development due to its size, scale and design which would be considered out of character within the surrounding locality contrary to Saved Policy BE1 Design of New Development of the adopted Unitary Development Plan (2006).
2. The proposed access to the flats, by reason of its location, size, elevated position and proximity to neighbouring properties would result in overlooking and a loss of privacy to neighbouring residential occupiers contrary to Saved Policy BE1 Design of New Development of the adopted Unitary Development Plan (2006).

17/03328/FULL3 - Proposed change of use from A1 (shop) to A3 (restaurant), single storey/basement extension, two storey outbuilding with undercroft parking and associated ventilation equipment - application refused

Reasons:

1. The proposed single storey rear extension is considered a bulky and incongruous form of development due to its size, scale and design which would be considered out of character within the surrounding locality and overbearing to neighbouring properties contrary to Saved Policy BE1 Design of New Development of the adopted Unitary Development Plan (2006).
2. The proposed raised roof garden, by reason of its location, size, elevated position and proximity to neighbouring properties would result in overlooking and a loss of privacy to neighbouring residential occupiers contrary to Saved Policy BE1 Design of New Development of the adopted Unitary Development Plan (2006).
3. The proposal would, due to the lack of an effective ventilation/flue system, be prejudicial to the amenities of occupants of nearby residential accommodation by reason of noise and disturbance (including smell) contrary to Policies ER9 and S9 of the Unitary Development Plan and Policy 7.15 of the London Plan 2015.

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Principle
- Design
- Highways
- Neighbouring amenity

Resubmission

The current application is a resubmission following previous refusals. The depth and design of the proposed rear extension has been amended, and additional information has been provided relating to the ventilation equipment.

Principle

There is a significant planning history with regard to this property the most pertinent of which is application reference 16/02189/RESTCA for the change of use of the existing shop from class A1 (retail) to class A3 (restaurant). The application was a 56 day application in respect of noise, odour, waste, opening hours, highways, service provision, sustainability and appearance under Class C Part 3 of the GPDO. As part of the application a condition was imposed which prevented the cooking of food on the premises that required the use of ventilation or extraction systems. Whilst the prior approval was granted, given that this is yet to be implemented this current application includes the change of use of the premises from retail (A1) to class A3 (restaurant) to include the erection of extraction and ventilation equipment to allow for primary cooking on the site.

Under Policy S5 the change of use away from class A1 will be acceptable if the proposed use contributes to the range of local services or community services, and contributes to the vitality of the centre. Alternatively the proposal may be considered acceptable if the application is able to demonstrate that there has been a long term vacancy of the site and a lack of demand for Class A1 uses as well as community uses. Policy BE1 also makes reference to the development respecting the amenity of occupiers of neighbouring buildings and those of future occupiers, ensuring that their environments are not harmed by noise.

It is noted that whilst previous applications resisted the change of use of the premises to A3 (café/restaurant use), under the most recent prior approval application it was stated that whilst there was an absence of evidential information suggesting that there is a lack of demand for an A1 use within this locality, the Council have undertaken a recent survey of the units along the shopping parade in which it was found that there are 9 A1 uses and 10 units not in A1 use. As such, the application concluded that given that the shop unit is currently vacant and has been vacant for a considerable period of time, and that there is still a high percentage of A1 units along the shopping parade, the loss of the A1 unit to A3 is no longer considered a cogent stand-alone reason for refusal.

Officers do not consider that there has been a material change in circumstance since the determination of the prior approval application to warrant a different view, and subject to the consideration of the rest of the policy requirements in respect of residential amenity, the principle of the change of use would be found to be acceptable.

Policy S9 of the UDP highlights the need to ensure that any proposed change of use to a restaurant or drinking establishment does not have an adverse impact on surrounding residents by way of increased noise and disturbance. The application proposes the erection of a flue/ventilation system which is to be sited on the flat roof profile of the proposed single storey rear extension to the rear of the premises. The extraction flue is to extract horizontally from this raised position. Comments from the Environmental Health Officer states that the principal concern is that the kitchen extract system discharges at low level and is therefore likely to give rise to cooking odour complaints and loss of amenity.

The generic information submitted would indicate that the applicant intends to fit carbon filters (quantity not specified) and a high efficiency contra-rotating fan (model not specified) as well as a silencer and sound absorbent cladding (no specific information regarding either is included).

In order to overcome the concerns, the following should be addressed:

- The flue should discharge at least 1.0m above the eaves or the highest window/opening in the building or adjacent buildings;
- A detailed specification should be provided to demonstrate compliance with Bromley's standard;
- Details of the reasons for specifying attenuators and the noise reduction expected should be provided.

The kitchen extract system should either comply with the Bromley Standard Specification or with the DEFRA specification available on their web site.

On balance therefore it is recommended that permission be refused as no effective kitchen extraction system is proposed and as such the development would give rise to unacceptable noise/disturbance to neighbouring residential properties.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Whilst previous applications concerning the property have proposed single storey rear extensions of varying lengths, this application proposes a single storey rear extension which would measure 6m along the north-eastern flank elevation and 2m along the south-western flank elevation, effectively squaring-off the rear elevation

of the property at ground floor. The roof profile would be flat, to a height of approx. 3.4m from ground level.

The development is proposed to facilitate an extension to the restaurant space to provide a kitchen area.

It is acknowledged that the area is characterised by large outbuildings and modest rear extensions, and the rear extension currently proposed is considered to be in keeping with the scale of existing rear extensions within the area.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of neighbouring residential amenity, at present there is an existing external staircase and small terrace area located at first floor level to the rear of the application site; this arrangement is replicated to the rear of most residential properties to the rear of the commercial parade. This arrangement has resulted in some overlooking, given that the second floor flats are also accessed via this staircase and landing area which passes directly in front of the first floor flat windows. It is not clear how the amenity space will be accessed from the plans submitted following development of the proposed single storey rear extension. It is acknowledged that there is already some overlooking, and the current application should not exacerbate the issue any further.

With regard to the proposed ventilation system, it is considered that at present, the level of detail is insufficient and as no effective kitchen extraction system is proposed, the development is considered likely to give rise to unacceptable levels of noise/disturbance to neighbouring residential properties. On this basis, the application should be resisted in its current form.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The site has a PTAL rating of 2 (low) where car use by customers could be expected and London Plan Parking Standards suggest 2 parking spaces should be provided.

No information has been provided regarding the operational needs of the unit in terms of deliveries and staff parking and how the site would deal with these, and whilst the site has rear access, no detail is provided regarding how the area would be utilised in connection with the above and indeed residential parking. Notwithstanding this, no technical objections have been raised, nor were they raised under the previously refused schemes and as such, it is considered that given the relatively small-scale nature of the restaurant use as proposed, the proposal is acceptable in highways terms.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it was considered that the development in the manner proposed is unacceptable in that it would result in a significant loss of amenity to local residents and impact detrimentally on the character of the area, by reason of inadequate ventilation equipment for an A3 restaurant use.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

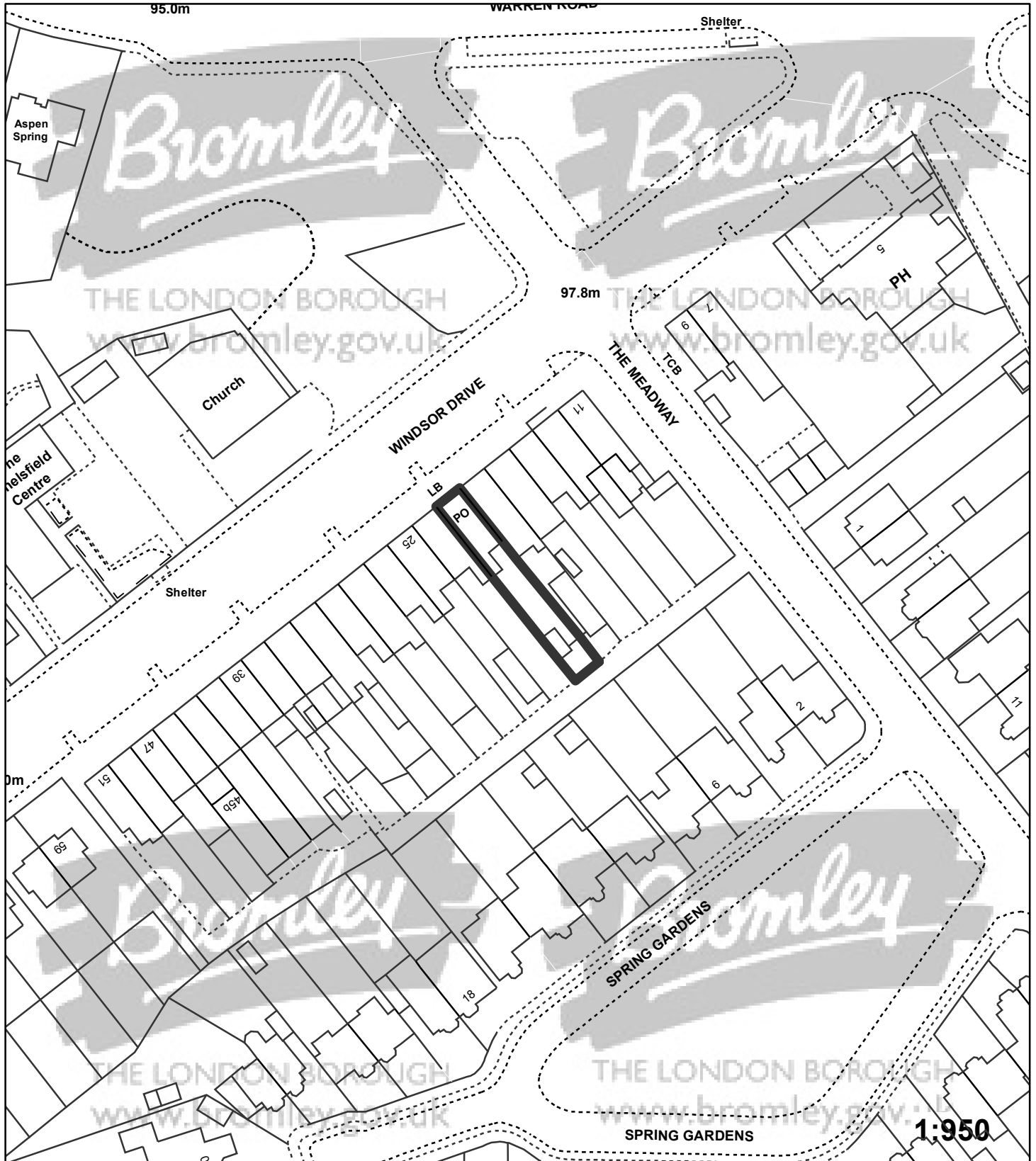
The reasons for refusal are:

- 1 The proposal would, due to the lack of an effective ventilation/flue system, be prejudicial to the amenities of occupants of nearby residential accommodation by reason of noise and disturbance (including smell) contrary to Policies ER9 and S9 of the Unitary Development Plan and Policy 7.15 of the London Plan 2015.**

Application:18/02106/FULL1

Address: 21 Windsor Drive Orpington BR6 6EY

Proposal: Change of use from A1 (retail) to A3 (restaurant) incorporating single-storey rear extension and associated ventilation equipment.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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