



THE LONDON BOROUGH
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DATE: 23 October 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 1 NOVEMBER 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

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 6 SEPTEMBER 2018**
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- 4 PLANNING APPLICATIONS**

SECTION 1

(Applications submitted by the London Borough of Bromley)

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	NO REPORTS		

SECTION 2

(Applications meriting special consideration)

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4.2	Kelsey and Eden Park	23 - 36	(18/02484/FULL1) - European Springs and Pressings Ltd, Chaffinch Business Park, Croydon Road, Beckenham BR3 4DW
4.3	Petts Wood and Knoll	37 - 46	(18/03906/FULL6) - 148 Petts Wood Road, Petts Wood, Orpington BR5 1LF

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.4	Chislehurst Conservation Area	47 - 58	(18/01672/FULL1) - Willow Grove Works, 9 Willow Grove, Chislehurst BR7 5BN

4.5	Plaistow and Sundridge	59 - 72	(18/02740/FULL1) - 2 Avondale Road, Bromley BR1 4EP
4.6	Bromley Town	73 - 82	(18/03478/FULL6) - 17 Cameron Road, Bromley BR2 9AY
4.7	Bromley Common and Keston	83 - 92	(18/03491/FULL6) - Kenwood, 7 Beechwood Drive, Keston BR2 6HN
4.8	Bromley Town Conservation Area	93 - 108	(18/03524/RECON) - 7 Beckenham Lane, Bromley BR2 0DA
4.9	Hayes and Coney Hall	109 - 118	(18/03709/FULL6) - 26 Mead Way, Hayes, Bromley BR2 9EW
4.10	Shortlands Conservation Area	119 - 130	(18/0386/FULL6) - 112 Shortlands Road, Shortlands, Bromley BR2 0JP
4.11	Bickley	131 - 140	(18/03909/FULL6) - The Coach House, 32B Southborough Road, Bickley, Bromley BR1 2EB
4.12	Copers Cope	141 - 156	(18/03954/FULL1) - 57 Park Road, Beckenham BR3 1QG
4.13	Bickley	157 - 172	(18/04025/RECON) - Applegarth, Chislehurst Road, Chislehurst BR7 5LE
4.14	Chislehurst Conservation Area	173 - 182	(18/04093/FULL6) - The Croft, Yester Park, Chislehurst BR7 5DQ

SECTION 4

(Applications recommended for refusal or disapproval of details)

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4.15	Petts Wood and Knoll	183 - 188	(18/03907/PLUD) - 148 Petts Wood Road, Petts Wood, Orpington BR5 1LF

5 CONTRAVENTIONS AND OTHER ISSUES

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6 TREE PRESERVATION ORDERS

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 6 September 2018

Present:

Councillor Richard Scoates (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Marina Ahmad, Gareth Allatt, Peter Dean, Kate Lymer,
Robert Mcilveen and Kieran Terry

11 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Michael Turner; Councillor Kieran Terry attended as substitute.

An apology for absence was also received from Councillor Russell Mellor.

12 DECLARATIONS OF INTEREST

No declarations of interest were received.

13 CONFIRMATION OF MINUTES OF MEETING HELD ON 12 JULY 2018

RESOLVED that the Minutes of the meeting held on 12 July 2018 be confirmed and signed as a correct record.

14 PLANNING APPLICATIONS

SECTION 3

(Applications recommended for permission, approval or consent)

14.1 PETTS WOOD AND KNOLL

(18/01804/FULL6) - 9 Princes Avenue, Petts Wood, Orpington BR5 1QP

Description of application – Demolition of detached garage at rear and erection of single storey side and rear extension.

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

Written comments from Ward Member Councillor Tony Owen in objection to the application were received and circulated to Members.

Supporting documentation was received from the applicant prior to the meeting and circulated to Members. Further objections were received and also circulated.

Committee Member and Ward Member Councillor Fawthrop, delivered a statement in objection to the application. In particular, he drew Members' attention to the description for the Petts Wood Area of Special Residential Character. A full copy of the statement and description can be viewed as Annexes A and C to these Minutes.

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

1 The proposal due to the impact of the forward projection of the side extension due to its design and prominence would have an unacceptable impact upon the character and appearance of the Petts Wood Area of Special Residential Character (ASRC) and would be contrary to Policies BE1, H8 and H10 of the Unitary Development Plan (2006) and Draft Policies 37, 4 and 44 of the Draft Local Plan.

**14.2
BROMLEY COMMON AND
KESTON**

**(18/02772/FULL6) - 3 Barnet Drive, Bromley
BR2 8PG**

Description of application – First floor rear extension.

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

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

**14.3
SHORTLANDS**

**(18/02859/FULL6) - 35 Kingswood Avenue,
Shortlands, Bromley BR2 0NT**

Description of application – Single storey front extension to include the conversion of the garage, first floor side/rear extension, single storey rear extension and loft conversion with rear dormer.

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

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

**14.4
PETTS WOOD AND KNOLL**

(18/02935/FULL6) - 33 Birchwood Road, Petts Wood, Orpington BR5 1NX

Description of application – First floor side and single storey rear extensions incorporating balcony and raised patio area.

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

**14.5
PETTS WOOD AND KNOLL**

(18/02959/FULL6) - 77 Kingsway, Petts Wood, Orpington BR5 1PN

Description of application amended to read – ‘Demolition of existing garage, single storey front, part one/two storey rear and two storey side extensions and roof alterations to incorporate rear dormer’.

Oral representations in support of the application were received at the meeting. Photographic documentation was received from the applicant prior to the meeting and circulated to Members.

Committee Member and Ward Member Councillor Fawthrop, delivered a statement in objection to the application. In particular, he drew Members’ attention to the description for the Petts Wood Area of Special Residential Character (ASRC). A full copy of the statement and description can be viewed as Annexes B and C to these Minutes.

The Planning Development Control Manager confirmed that spatial symmetry was an important element of the ASRC.

Councillor Lymer commented that a higher than usual side space was expected in that particular area of Petts Wood.

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

1 The proposed development due to its bulk, size and appearance would have a detrimental impact upon the Petts Wood Area of Special Residential Character (ASRC) and would also impact upon the appearance and rhythm of the street scene contrary to policies BE1, H8, H9 and H10 of the Unitary Development Plan (2006) and Draft Policies 37, 4, 8 and 44 of the Draft Local Plan.

**14.6
MOTTINGHAM AND
CHISLEHURST NORTH**

**(18/03004/FULL6) - Pindi Lodge, Mottingham Lane,
Mottingham SE9 4RW**

Description of application – Roof alterations to incorporate loft conversion to habitable accommodation. Single storey side and front extensions.

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

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

15 CONTRAVENTIONS AND OTHER ISSUES

**15.1
PLAISTOW AND
SUNDRIDGE**

Untidy Site - 29 Southover, Bromley BR1 4RU

Members having considered the report **RESOLVED that Direct Action be authorised for a contractor to be employed to carry out work to both the front and rear gardens, to cut back and leave in a maintainable situation.**

**15.2
CLOCK HOUSE**

Untidy Site - 17 Queens Road, Beckenham

Members having considered the report **RESOLVED that Direct Action be authorised for a contractor to be employed to carry out work as detailed in the S215 Notice to tidy both front and rear gardens including the removal of the vehicles to the front.**

The meeting ended at 7.43 pm.

Chairman

COUNCILLOR FAWTHROP'S COMMENTS IN REGARD TO ITEM 1 - 9 PRINCES AVENUE, PETTS WOOD, ORPINGTON

Mr Chairman

At the last Committee meeting the item was deferred to request a change in design of the extension and to move the side element back to fit better within the street scene.

Therefore in relation to this application there is no objection to the proposals at the rear of the property as this will be a major enhancement to the standards and living conditions of the residents of no.9.

From a planning perspective the main issues with this development concern the impact that the projected side extension will have both on the street scene and on the impact upon the Petts Wood ASRC.

Members will have noted the objections from both Cllrs Owen and Onslow in relation to this application along with the appeal decision at 45 Princes Avenue.

The applicant has made a tremendous effort to accommodate these requests, fulfilling the design requirement and stepping inwards the extension at the front adjacent to no.7.

The key element of concern is whether enough has been done to meet the description of the ASRC which deals with rhythm and pattern of an area and I quote.

“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. “

In this case I believe that the side alterations as currently presented would give rise to a blurring of the lines between what is a detached and a semi-detached house within the street scene, creating a more link detached feel which is does not exist within the Area of Special Residential Character. Making the development out of keeping with the area.

More recently although not a similar application the inspector in the appeal at 1 Priory Avenue, an application recommended for approval by Officers, refused the application paying great store to the appearance of the property within the street scene.

I therefore propose that members refuse this application, on the grounds of BE1, H7 and H10, due to the impact of the forward projection of side extension on the character and appearance of the ASRC.

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COUNCILLOR FAWTHROP'S COMMENTS IN REGARD TO ITEM 5 - 77 KINGSWAY, PETTS WOOD, ORPINGTON

Mr Chairman

In addressing this application I wanted to share some of the background to The Petts Wood Area of Special Residential Character (ASRC). The description of which has been circulated to you on page 13 of the minutes dates 12th July in the agenda pack.

When the estate was laid out by the developer Basil Scruby, he planned out the roads, utilities and plot sizes imposing strict guidelines on materials to be used density and design to meet his vision of a high class suburb emulating the garden suburb movement and it is this heritage which the ASRC designation seeks to conserve for future generations.

It should be recognised that the applicant has made some welcome changes since the previously refused application 18/00478, namely removing the front roof lights and changes to the rearward design. In addition the side extension adjacent to no.79 has been set back. The question for the committee is whether this is enough to satisfy the previous grounds of refusal. The key element of concern is whether enough has been done to meet the description of the ASRC which deals with rhythm and pattern of an area and I quote.

“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. “ Just so members are clear this is not an Area of Mediocre Residential Character or an Area of Average Residential Character but an Area of Special Residential Character, where a greater degree of separation is required. Just so members are aware my dictionary definition of special is “distinguished from others in the same category especially because it is in some way superior, it is something that is held in particular esteem.”

So when judging applications in the Petts Wood ASRC there is a very high threshold that applies when considering whether to grant planning permission.

To highlight this point I am enclosing a couple of ASRC appeal decisions which I believe are pertinent to this application, as the inspectors have upheld the spatial standards and the importance of the view from the street scene. They are 1 Priory Avenue and 45 Princes Avenue, both of which have some bearing on this application.

In this instance the application narrows the field of view of the garden of number 77 and hems in the street scene giving a cramped appearance of the street scene. The removal of the garage also removes the symmetry between numbers 77 and 79 on the street scene. The over- hang of the eaves also reduces the side space to less than the minimum of 1M, but in this instance a higher degree of separation is expected, to protect the spacial character of the area.

In this particular instance the proposal does create a detrimental deterioration in the standards of design and separation that would be expected in the ASRC and thus not being in accord with the general character of the area.

Mr Chairman I therefore ask the committee to refusal this application on the grounds of policies H10, H7,H9 and BE1 as well as draft policies 8, 44 and 37 of the Draft Local Plan as the development by its bulk and size and appearance would have a detrimental impact upon character of the ASRC. It would also impact the appearance and rhythm of the street scene.

**PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER
DESCRIPTION****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 : 17/05809/FULL1

Ward:
Darwin

Address : Yonder Farm, Orange Court Lane,
Downe, Orpington BR6 7JD

Objections: Yes

OS Grid Ref: E: 543164 N: 162712

Applicant : Miss Sarah Williams

Description of Development:

Removal of redundant equine building situated adjacent to the southern site boundary and the stationing of a log cabin for residential use (in alternative siting)

Key designations:

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

Proposal

The proposal involves the demolition of a redundant equine building situated adjacent to the southern boundary and the erection of a residential log cabin which would occupy a more western position adjacent to an existing cluster of equine structures. The area occupied by the equine structure proposed for demolition would be grassed over and planted with two native trees.

The proposed log cabin would incorporate external dimensions of 9.0m x 6.1m, an eaves height of 2.2m and a ridge height of 2.8m. Its external finish would comprise of wooden sections and it would be sited in close proximity to an existing barn. It would incorporate a similar footprint to the equine building proposed for demolition, but its ridge height would be considerably lower.

The proposed development is sought on the basis that the log cabin would provide essential accommodation required by the applicant in connection with her equine business which incorporates the sale and preparation of horses, dressage lessons, dressage riding experiences, full specialist liveries, demonstration days and training. A number of horses are kept at the site. This application has also been submitted on the basis that the applicant's existing accommodation within the site is subject to an active enforcement notice. The existing accommodation in effect comprises a makeshift flat within one of the barns which must revert back to its former equine use.

A report accompanying the application advises that constant supervision of the horses within the site is required in order to provide 24-hour care for their wellbeing and that any injury or death of a horse whilst at the stud due to lack of adequate supervision could have a serious effect on the enterprise, not just in relation to that horse but also in terms of reputation of the business, and therefore a direct effect on its profitability and sustainability. Furthermore, the report advises that the horses kept at the farm are extremely valuable and that the theft of horses has also become an increasing problem in

the UK. The report further advises that the strongest form of deterrent is on-site accommodation and day and night supervision; that care of the horses requires someone to work long and invariably unsociable hours; and that the applicant has to be on hand to administer medicines, change the dressings of sick or injured horses and to supervise and care for the horses generally. Given the nature and management needs of the enterprise, the report concludes that close supervision of many aspects of the business at one time is a common occurrence.

The application is accompanied by supporting documents, including a report by the agent.

Location

The Yonder Farm holding (i.e. the entire blue-lined area on the site plan) comprises approximately 2ha (4.9 acres) of land and buildings and is located at the end of Orange Court Lane along its northern side, approximately 200 metres to the east of its junction with Farthing Street, and to the north of Downe Village. The site is rural in character and falls within the Green Belt.

There are a number of buildings on the holding which provide stabling for 14 horses and ancillary storage areas including feed store, tack room, therapy room, office and hay/bedding store. A building to the north of the yard area incorporates a residential area (kitchen/diner, a bathroom, a bedroom and shower room/dressing room) to the western end, which has been occupied by the applicant since 2007. There are currently sixteen horses on the holding, of which five are owned by the applicant (two are retired competition horses), two horses at full livery, and nine horses on training livery, owned by others.

There is also a manège (65m x 25m) sited to the north-western boundary of the holding and a horsewalker which is sited to the north of the yard area. The fields have been subdivided to provide turn-out paddocks. All stables are alarmed and the muck is stored in a trailer and emptied each month. In addition, a brick building is sited in the paddock to the east of the yard area which incorporates gym and exercise equipment for use by the applicant.

Consultations

Comments from Local Residents

Nearby owners/occupiers were notified of the application. Representations were received in support of the application. These may be summarised as follows:

- o someone needs to be in residence the whole time from the point of view of security and animal welfare
- o modest proposal which will enhance the neighbourhood
- o essential that applicant is on site overnight
- o applicant provides quality supervised care
- o neighbouring residents have lived alongside the applicant for the last seven years and the site has been used for equestrian purposes
- o applicant's on-site presence has deterred thieves
- o there have been many break ins in the area with tack having been stolen

Representations were also received from the Downe Residents' Association in objection to the proposal which can be summarised as follows:

- o previous application for residential accommodation at the site ruled unlawful and subsequent appeal dismissed

- o previous Inspector identified Intentional Unauthorised Development on the applicant's part
- o previous Inspector did not in any way indicate agreement for applicant to live on site in order to provide necessary case for animals on the holding
- o applicant's planning statement regarding need for 24-hour supervised care in not supported
- o no other commercial yard has 24-hour supervision
- o commercial matters are not relevant for consideration of planning applications
- o whether or not the proposal falls within the definition of the Caravan Act will depend on the method of construction
- o provision of a dwelling within the site would give rise to a more intensive residential use harmful to the Green Belt
- o very special circumstances do not exist to outweigh harm to the Green Belt

In response to the representations from the Downe Residents' Association, a rebuttal letter has been submitted by the agent that contests the above points.

Comments from Consultees

No technical Highways objections were raised.

No technical Drainage objections were raised.

Planning Considerations

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:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o 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
- o 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 4 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

- 3.5 Quality and Design of Housing Developments
- 6.13 Parking
- 7.4 Local Character
- 7.16 Green Belt

Unitary Development Plan

- BE1 Design of New Development
- BE3 Buildings in rural areas
- H1 Housing
- H7 Housing Density and Design
- G1 The Green Belt
- L3 Horse-related development
- L4 Horse-related development

Emerging Local Plan

- Draft Policy 4 Housing Design
- Draft Policy 37 General Design of Development
- Draft Policy 49 The Green Belt
- Draft Policy 61 Horses, stabling and riding facilities
- Draft Policy 83 Non-designated employment land

The National Planning Policy Framework is also a material consideration, with which the above policies are considered to be in accordance. Sections 9 'Promoting sustainable transport'; 5 'Delivering a sufficient supply of homes'; 12 'Achieving well -designed places'; and 13 'Protecting Green Belt land' are of particular relevance.

Planning History

02/01905

Under reference 02/01905 planning permission was granted for the use of existing buildings for stables and for construction of the sand school in October 2003. Condition 3 of that permission restricted the use of all buildings to the private stabling of horses in the ownership of the person in possession of the land/buildings and shall not be used for or in connection with any commercial use. Condition 4 stated:

"The sand school hereby permitted shall only be for the use of horses in the ownership of the person in possession of the land/buildings and shall not be used for or in connection with any commercial use whatsoever."

Conditions 6 and 7 of permission reference 02/01905 advised that the use permitted should ensure solely for the benefit of the applicants, and applications, and for no other party.

14/03187

Under reference 14/03187/ELUD an application was submitted in August 2014 which sought to secure a Certificate of Lawfulness for the use of buildings and land as a stable and riding school without complying with condition 3, 4 and 7 of permission ref 02/01905. This application was refused by the Council in July 2015 on the basis the following ground:

"The evidence produced to support the application has been arrived at by a process of deliberate concealment and as such the applicant should be deprived of the immunity offered under s171B (3) of the Town and Country Planning Act 1990 (as amended)."

14/03188 & subsequent appeal

Under reference 14/03188/ELUD another application was submitted in August 2014 which sought to secure a Certificate of Lawfulness for the use of part of a barn as residential dwelling. No decision was issued and this non-determination was the subject of an appeal (APP/G5180/X/15/3087194).

The Appeal was dismissed in April 2016. The Inspector concluded the following: (1) that the change of use of the planning unit to a mixed use of residential accommodation and equestrian use was agreed to have commenced in about 2007 so that at the time of the application for the LDC it had not become lawful by reason of the passage of time (meaning that it would benefit from the 10-year 'exemption rule'); and (2) that the applicant had deliberately sought to conceal her occupation of the green barn at Yonder Farm until she judged it was immune from enforcement action; on the balance of probability and the facts of this case, the appeal also failed on the grounds of concealment and deception.

15/01584

An application was submitted in August 2014 (15/01584/ELUD) which sought to secure a Certificate of Lawfulness for the use of buildings and land as a stable and riding school without complying with condition 3, 4 and 7 of permission ref 02/01905. The Council determined that the existing use/development was not lawful, and refused the application in July 2015 on the same grounds as it refused application reference 14/03187/ELUD.

15/03133

Application 15/03133/RECON was submitted in July 2015 for the removal of conditions 3 and 4 of planning permission 02/01905 (for use of building and land for stables and construction of sand school and use of land for keeping of horses) to enable use of buildings and sand school for commercial use. The application was refused permission in October 2015 on the basis that the proposed development would result in an undesirable intensification of use in the Green Belt. This application was the subject a subsequent appeal dated 20 October 2017 (APP/G5180/W/15/3138202) which was allowed, subject to conditions.

Enforcement Notices

Two Enforcement Notices were issued on 7 December 2015 (ENF 15/00593 and ENF 15/00182) relating to the unauthorised use of the land for a commercial livery yard, riding school and residential worker's accommodation; and the breach of Conditions 3 and 4 of the 2003 planning permission (02/01905), as detailed above. These two Enforcement Notices were the subject of a planning appeal dated 20 October 2017 - references: APP/G5180/C/15/3141430 and APP/G5180/C/15/3141431. The first of these appeals quashed the enforcement notice in relation to the failure to comply with Conditions 3 and 4

of the 2003 planning permission; the second appeal upheld the enforcement notice concerning the unauthorised use of the land for a commercial livery yard, riding school and residential worker's accommodation. The Inspector concluded at para 27:

"I consider that in respect of the equine use the balance is clearly in favour of granting permission, and such that very special circumstances exist. However once the residential element of the use is taken into account the balance is altered by the considerable weight to be given in this case to there having been intentional unauthorised development. I consider that the balance is no longer clearly in favour of the proposal."

Given the Inspector's decision to allow application reference 15/03133/RECON, the sole requirement of the Inspector's decision was to require the removal of the unauthorised dwelling within the barn. The Inspector granted the Appellant 12 months for compliance with the notice. Accordingly, the applicant has until 20 October 2018 to remove the unauthorised dwelling. The current planning application seeks provision for alternative residential accommodation within the site.

16/02755

Application reference 16/02755 sought a retrospective permission for the change of use of the land and buildings to commercial livery yard, dressage centre and incidental groom's accommodation. The Council refused permission in September 2016 for the following reasons:

"1. The proposed development is inappropriate development in the Green Belt, causing harm to the openness and character of the Green Belt and the purposes of including land within the Green Belt which is not clearly outweighed by any benefits of the development and therefore very special circumstances do not exist contrary to Policies G1 of the Unitary Development Plan and 7.16 of the London Plan and Section 9 - Protecting Green Belt Land - of the National Planning Policy Framework.

2. The proposed development by reason of the intensification of horse related activities, including grazing not in accordance with the British Horse Society's recommended standards, would be harmful to the open and rural character of the Green Belt and detrimental to the surrounding countryside, contrary to Policies L3 and L4 of the Unitary Development Plan."

17/02337

Under reference 17/0233 a further application identical to that refused under reference 16/02755 was submitted; however, that was subsequently withdrawn by the applicant.

Conclusions

The main issues for consideration are: the appropriateness of this development in the Green Belt, including its impact on the openness of the Green Belt and the purpose of including land within it; and whether, if the development is inappropriate in the Green Belt, the harm by reason of inappropriateness or any other harm, would be outweighed by other considerations so as to amount to very special circumstances.

At the outset it should be recognised that the application site benefits from planning permission granted for the use of existing buildings for stables and for a sand school (granted under application reference 02/01905). The October 2017 Appeal Decision permitted the removal of conditions 3 and 4 of planning permission 02/01905 to enable use of buildings and sand school for commercial use. This application seeks the provision

of a log cabin which would be used to provide residential accommodation in connection with the applicant's equine business and provide welfare and protection for the horses based at the site.

The application proposal involves the removal of an existing redundant equine building which is located approximately 40m to the east of the main complex of buildings and the installation of a log cabin which would occupy a position immediately to the east of the main complex of buildings. Both the existing and proposed structures would maintain similar floor areas, although the log cabin would incorporate a shallower roof pitch and shorter ridge height. The nature of accommodation would appear to be rudimentary, but suitable to satisfy the applicant's requirements and adopted housing standards.

In terms of planning policy, the NPPF advises that the erection of new buildings within the Green Belt is generally inappropriate, with exceptions for: (a) buildings for agriculture and forestry; (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; (e) limited infilling in villages; (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). These sorts of development are provided on the basis that they would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The NPPF further advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In the case of this scheme, the proposed log cab would amount to new residential development, which would generally be considered to constitute inappropriate development in the Green Belt. The applicant has provided detailed grounds to demonstrate that this would comprise essential accommodation in connection with the equine activities undertaken at the site. In addition, the Council has sought independent advice from agricultural consultants who have reviewed the background information pertaining to the site and equine activities and concluded that there is an essential need for a worker to live on site in order to manage the horses and ensure that welfare is not compromised; further, there is an essential need for an equestrian worker to live on site in order to meet the requirements of the equestrian enterprise. In forming this view, the agricultural consultants have also reviewed the trading accounts of the equine business and concluded that the applicant's existing business is profitable and sustainable and likely to remain so in the future.

The test of essential need requires evidence that a rural worker needs to live permanently at or near their place of work in the countryside, if workers are needed to be on hand day and night in case animals or agricultural processes require essential care at short notice or to deal with emergencies which could otherwise cause serious loss of stock.

The Inspector concluded in the April 2016 Appeal Decision that the residential accommodation (the grooms accommodation) within the barn at Yonder Farm was directly and intrinsically related to the equestrian use at Yonder Farm and was part of the wider, mixed use on the holding and was not a separate planning unit.

Notwithstanding the above, the proposal involves the removal of an existing structure which occupies a more isolated position within the site. In volumetric terms, there will be a nominal decrease in the quantum of development within the site; however, since the proposed log cabin would be sited in closer proximity to the existing cluster of equine buildings, it is considered that overall openness will be enhanced. The area occupied by the existing equine building to be demolished will be grassed over and benefit from additional trees.

It is accepted that there is an essential need for a worker to live on site to support sixteen horses at full livery. If the management structure was to change to DIY liveries, then there would be no continuing need for a worker to live on site.

The business is clearly well-established and there is a strong demand for the services provided, as evidenced by the increasing turnover. Whilst profits are limited, it is evident that the business has generated sufficient funds to operate and continue to provide for the applicant for in excess of ten years.

Taking the above considerations into account, whilst it is considered that the proposal amounts to inappropriate development in the Green Belt, it is recognised that there are compelling very special circumstances to justify this proposal: these include: (1) the essential need for this accommodation in connection with the established equine activities and business; (2) the modest size of the proposal; and (3) the removal of an existing equine structure which will ensure that there is no net increase in the level of built development within the Green Belt.

Following on, it is considered appropriate to impose a condition allowing the residential facilities to remain on site for only as long as the holding is owned and managed by the applicant, Ms Williams. Without this in place, it is highly likely that any future purchaser of the holding would seek to remove any occupancy condition imposed due to an inability to operate a successful business from such a limited land-holding.

It is also necessary to address the enforcement history relating to this site as set out above. Whilst the applicant is compelled to remove her existing accommodation within the site, it is noteworthy that the existing dwelling was erected without the benefit of planning permission, and the Inspector in the case of the October 2017 Appeal Decision found that this had amounted to intentional unauthorised development, to which he attached considerable weight as a material consideration. In this case, the applicant is seeking alternative accommodation which does not affect the removal of the existing unauthorised dwelling. This proposal will entail the removal of an existing structure to ensure that the existing quantum of development within the site is not increased. Furthermore, the applicant has clearly demonstrated an essential need for the log cabin, which will ultimately ensure that an existing outdoor sport and recreational facility in the Green Belt can be maintained.

Summary

Taking into account the very special circumstances of this case and existing scale and nature of the activity, it is considered that there is an essential need for a worker to live on

site to support the existing activity. The applicant is clearly committed to the equestrian enterprise and has all necessary skills to continue to operate the unit successfully.

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

as amended by documents received on 20.06.2018

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 landscaping scheme as shown on the submitted drawings 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 a similar size and species to those originally planted. Furthermore any boundary treatments shall be retained 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.

- 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.

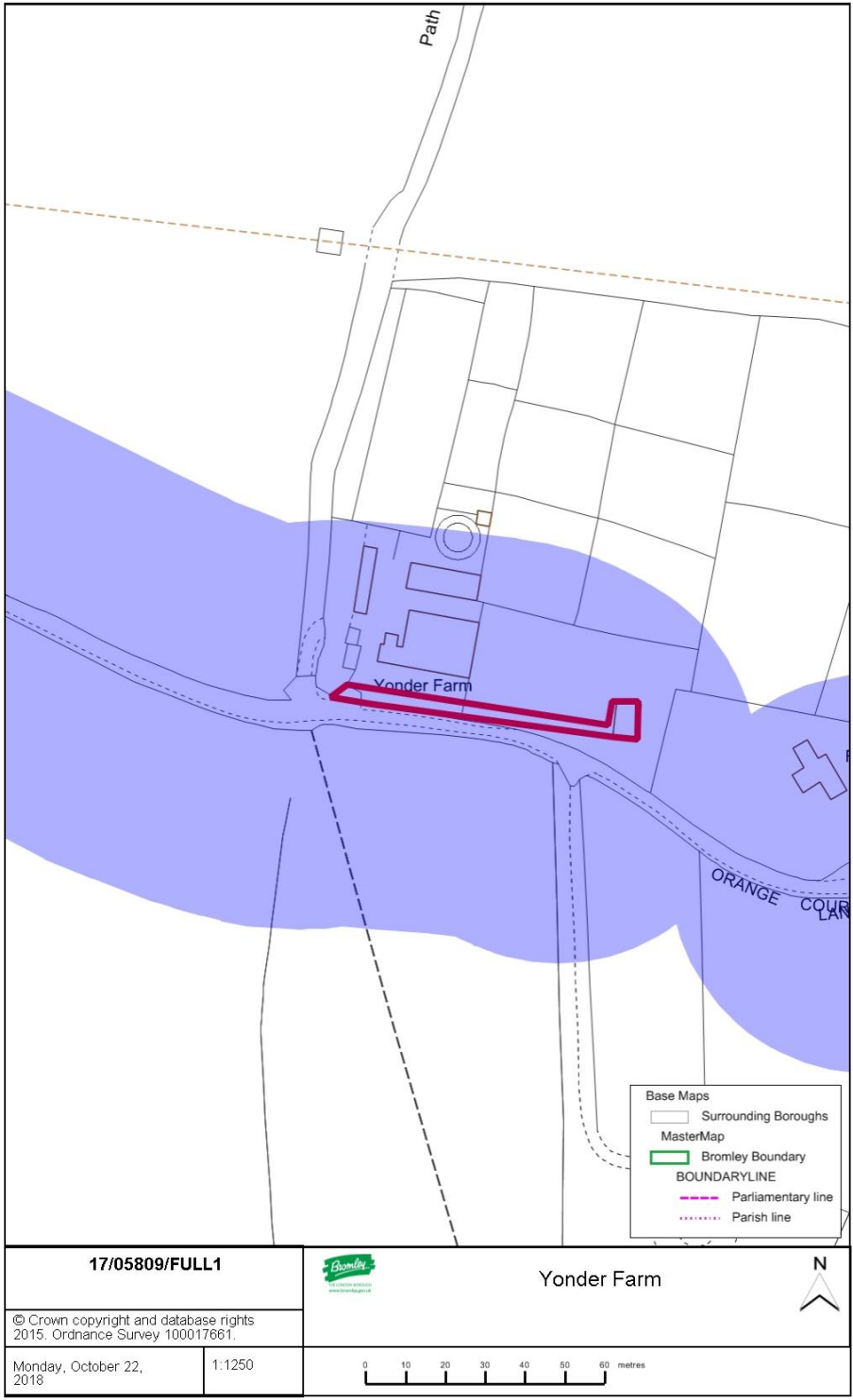
- 4 a) The log cabin hereby permitted shall be only be occupied by the applicant, Ms Sarah Williams, and by no other person.**

b) Following cessation of the equine use within the Yonder Farm site, this accommodation shall be dismantled with the residential use discontinued and the land returned to its former state.

Reason: In view of the particular circumstances relating to the management of the site by the applicant which justifies the provision of residential provision within the site, and to accord with Policies BE1 and L3 of the Unitary Development Plan and Section 13 of the National Planning Policy Framework - 'Protecting Green Belt Land'.

5 Before the log cabin is first occupied, the existing equine building denoted on200-01, Rev B shall be demolished and all rubble removed from site. The land upon which it is sited shall be the subject of the above landscaping condition.

Reason: In order to protect the openness and visual amenity of the Green Belt, and to accord with Policy G1 of the Unitary Development Plan and Section 13 of the National Planning Policy Framework - 'Protecting Green Belt Land'.



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SECTION '2' – Applications meriting special consideration

Application No : 18/02484/FULL1

Ward:
Kelsey And Eden Park

Address : European Springs And Pressings Ltd,
Chaffinch Business Park, Croydon
Road, Beckenham BR3 4DW

OS Grid Ref: E: 535861 N: 168113

Applicant : Mr Stuart McSheehy

Objections : NO

Description of Development:

The construction of a new warehouse to the side of the existing building for storage (Class B8).

Key designations:

Biggin Hill Safeguarding Area
Business Area
London City Airport Safeguarding
River Centre Line
Smoke Control SCA 15

Proposal

This application was deferred without prejudice by Members of the Plans Sub Committee 2 held on the 4th October, in order to allow further discussion between the applicant and the Environment Agency.

The Environment Agency has since clarified the scope of their objections. This is summarised:

- The site potentially lies within the functional floodplain and the proposed commercial use would be prohibited within this flood zone. It is the responsibility of the Local Authority and not the EA to define the location and extent of the flood plain. If the site does lie within the floodplain it will be for the Local Authority to confirm if this is acceptable taking into account National Planning Policy Guidance on appropriate uses within each flood zone.
- The FRA states that there is an increase in flood risk off-site (albeit negligible). The comments provided were based upon the applicant's FRA and highlighted how the submitted FRA needs to demonstrate that it passes the Exception Test specifically without increasing flood risk elsewhere.
- While the only objection to the proposal is from the EA, that objection is based on national and local policy rather than their own requirements outside of the policies. If asked to defend the position at appeal then the EA would highlight this and refer to the Council to make the overall assessment. While Bromley may

be reluctant to grant permission to an application in the face of an objection from a statutory consultee, it will be necessary for the Local Planning Authority to assess whether based on all the evidence planning permission can be granted despite the proposal being contrary to flood policies. It is for the Council to determine the application.

The further comments of the Council's drainage engineer have also been sought and are summarised:

- the site is not shown in our current Strategic Flood Risk Assessment (2008) to be located within the functional flood plain. The latest (unpublished) SFRA shows the site to be within the functional floodplain.
- That functional floodplain land would flood with an annual probability of 1 in 20 except with the redevelopment of an existing site.
- If relying solely on planning policy relating to flood risk and management, the proposal should not be successful, but it is noted that the applicant's own modelling shows the effect of the new extension would be negligible.

The contents of the original report are repeated below, suitably updated.

Proposal

Planning permission is sought for the construction of a warehouse to the side of the existing warehouse building. The new building would be used for storage.

The structure would be constructed of steel with a mono-pitch roof and would be sited to adjoin the southern elevation of the main factory/warehouse. The building will provide a storage facility.

The building would be 20m long and 14m wide. It would be 6.65m high to the top of the monopitch roof and 5.42m high to the eaves. There would be doors to the southern outside elevation and to the north western flank elevation.

The building would be constructed with facing goosewing grey steel to the elevations. The roof would incorporate 4 narrow rooflights.

The application was supported by the following documents:

- Planning Statement
- Flood risk assessment

Location and Key Constraints

The application site is located within Chaffinch Business Park. The site is accessed via the A222 from a roundabout and link road immediately to the north west of the application site. To the north west is an area of parking and to the north east an existing warehouse unit. To the south and south east are a large warehouse to which the proposed building would adjoin along with two smaller units which are currently used for trade purposes. There are a number of residential dwellings located adjacent to the Business Park.

The site is located within Flood Zone 3 and close to the Chaffinch Brook main river culvert, which is a tributary of the River Ravensbourne main river. The site lies within the 1 in 20 (5%) annual probability of flooding.

Comments from Local Residents and Groups

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

Other comments

A letter of support was received from the Department of International Trade stating:

"European Springs are now in a position where they may need to turn business away due to a lack of capacity at their Beckenham facility. Nobody wants to see this happen as the business would be moved to their facilities on mainland Europe. The planning application will allow the business to grow and take on extra staff."

Comments from Consultees

Environment Agency (*see beginning of report for most recent comments*):

Objections are raised to the development, since the proposal will reduce storage capacity and thereby increase the risk of flooding to the area. As the property is located in the functional floodplain, the proposed development will impede flood flow and reduce storage capacity. Allowing the warehouse to flood as a form of mitigation for flood storage loss is not permitted. The modelling provided shows that allowing the warehouse to flood will cause an increase in flood depths off-site which is contrary to national policy.

The applicant's consultant has engaged in dialogue with the Environment Agency in an attempt to overcome the objections, but the EA responded:

"our previous objection still stands. The proposed development and model results shows that it will increase flood risk off-site and not be in accordance with National Planning Policy Framework. It appears there is no feasible way of providing flood storage compensation that is compatible with the site and site use and that does not increase flood risk off-site also. Neither level for level compensation nor voids is possible on this site as discussed. Therefore we object on principle to this proposal as the size of the warehouse and site constraints means an increase in flood levels off site is unavoidable." Subsequent discussions have not overcome the concerns.

Drainage Engineer (*see report opening for most recent comments*):

The submitted FRA carried out by JBA Consulting with Ref. V1 Dated May 2018 to provide between 7m³ and 12m³ of storage in an attenuation tank to restrict Surface Water run-off to 3.2l/s is acceptable. Please impose D02.

Highways:

"The Planning Statement indicates that the proposed warehouse would be erected on an existing car parking area. A total of 18 parking spaces will be lost as part of the proposal. A large, tarmacked area, to the north of the existing building will be used for additional parking. These spaces will be accessed from the communal access road which is currently used for deliveries to and from site. Eighteen spaces will be reinstated in this area.

The applicant states that "The area to the north is currently vacant however it has, in the past, been used for parking from neighbouring properties. This is no longer the case is now unused. The use of this space for parking will have no impact on the existing vehicle movement."

Furthermore the PS mentions that "there are no requirements for additional deliveries or staff members and consequently there is no expected increase in vehicle movements to and from site and therefore transport demand will be remaining as it is today."

If minded to approve conditions are recommended relating to car parking and cycle parking.

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 2.7 Outer London: Economy
Policy 5.12 Flood Risk Management
Policy 6.3 Assessing the effects of development on transport capacity
Policy 6.13 Parking

Unitary Development Plan

T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T18 Road Safety
BE1 Design of New Development
EMP4 Business Areas
EMP7 Business Support
ER17 Development and the water environment
Emerging Local Plan
Policy 30 Parking
Policy 32 Road Safety
Policy 37 General Design of Development
Policy 82 Locally Significant Industrial Sites (LSIS)
Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage Systems (SUDS)

Supplementary Planning Guidance

SPG1 General Design Principles

Planning History

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

00/00911/FULL1 1800mm high security fence and entrance gates to front boundary
PERMISSION

90/00381/OUT Detached buildings for office research and development, light industrial and storage/warehouse purposes within Classes B1 and B8 with servicing and car parking areas.
(OUTLINE)

PERMISSION SUBJECT TO A LEGAL AGREEMENT

94/00034/FUL Detached car showroom building including ancillary office use.
REFUSED

95/02751/FULMAJ Detached factory building comprising 2140 sqm with access road servicing 70 car parking spaces, with 2m high fencing and gates and earth bund.

PERMISSION SUBJECT TO A LEGAL AGREEMENT

96/00457/FULMAJ Detached factory building with access road servicing 71 car parking spaces with 2m high fencing, gates and earth bund.

PERMISSION SUBJECT TO A LEGAL AGREEMENT.

96/01608/ADVHOA Continued display of 3 x 96 sheet externally illuminated advertisement hoardings after completion of development.

PERMISSION

99/01083/FULL1 Detached buildings comprising bicycle and motorbike shelter with revised rear servicing yard to development permitted under reference 98/0943 comprising detached building for industrial or warehouse use with servicing and car parking

PERMISSION

03/04610/FULL1 Change of use of existing building in north east corner of site to use for light industrial (Class B1(c) or General industrial (Class B2) or warehouse (Class B8)(or a combination of these uses), demolition of the remaining buildings on the site and erection of (1) warehouse building for self-storage (Class B8), (2) building to be subdivided into units for light industrial (Class B1(c) or General industrial (Class B2) or warehouse use (Class B8) and (3) building for part business use (Class B1) and part warehouse use (Class B8), with servicing, car parking and associated works including reconstruction of culvert/flood relief grating and 2.4m high fencing.

PERMISSION

05/00081/FULL1 Industrial/warehouse buildings comprising 2 units, including ancillary mezzanine office floorspace with retaining walls, 2.4m high steel palisade fencing and 32 car parking spaces (Alternative B Scheme)

PERMISSION

05/00082/FULL1 Industrial/warehouse buildings comprising 2 units, including ancillary mezzanine office floorspace with retaining walls, 2.4m high steel palisade fencing and 26 car parking spaces (Alternative A Scheme)

PERMISSION

05/00837/VAR Variation of conditions 4 and 5 of permission ref. 03/04610 (for erection/change of use of buildings for Class B1/B2/B8 uses) to enable the phased provision of surface and foul water drainage

APPROVED

07/01436/FULL1 Installation of external cladding and alterations to doors and windows to all units/extension of mezzanine level of unit 3/hard and soft landscaping and erection of entrance gate and railings
PERMISSION

11/00769/ADV Free-standing monopole supporting 2 internally illuminated static advertisement hoardings
PERMISSION

14/03654/ADV Continued display of fascia signs on front elevation
CONSENT

15/01103/FULL1 Construction of a new warehouse for storage and distribution (Use Class B8)
REFUSED

Planning permission was refused on the grounds:

1 The proposed development would result in the loss of vehicular parking and increased trip generation. In the absence of a Transport Assessment the full impact on parking demand and trip generation on the wider locality is unknown and cannot be fully assessed. The proposal is therefore contrary to Saved Policies T1 Transport Demand; T2 Assessment of Transport Affects; T3 Parking; T18 Road Safety of the Adopted Unitary Development Plan (2006) and Policy 6.3 Assessing Effects of Development on Transport Capacity of the London Plan (2015).

2 No flood risk assessment (FRA) has been provided with the application. The application site lies within Flood Zone 3 and 2, defined by the Environment Agency Flood Map as having a high and medium probability of flooding respectively. Therefore in the absence of an FRA, the flood risks resulting from the proposed development are unknown contrary to the National Planning Policy Framework (NPPF) Planning Practice Guidance and Policy 5.12 of the London Plan (2015).

3 The proposed building is close to a culverted watercourse, the Chaffinch Brook, which flows beneath the site. In the absence of a structural survey to ascertain the exact position of the culvert the proposed development may adversely impact upon the construction and stability of the culvert and compromise its function thereby increasing the risk of flooding in the locality which would be contrary to the National Planning Policy Framework (NPPF) and Policy 5.12 of the London Plan (2015).

17/05347 The construction of a new warehouse to the side of the existing building for storage (Class B8).
REFUSED

Planning permission was refused on the grounds:

1 The proposed development would result in the loss of vehicular parking and increased trip generation. In the absence of a Transport Assessment or more detailed information the full impact on parking demand and trip generation on the

wider locality is unknown and cannot be fully assessed. The proposal is therefore contrary to Policies T1 Transport Demand; T2 Assessment of Transport Affects; T3 Parking; T18 Road Safety of the Adopted Unitary Development Plan (2006), Policies 30 and 32 of the draft Local Plan and Policy 6.3 Assessing Effects of Development on Transport Capacity of the London Plan (2015).

2 No flood risk assessment (FRA) has been provided with the application and proposal includes the unattenuated run-off of surface water into the culvert. The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. In the absence of information to the contrary, the proposal will reduce storage capacity resulting in an increased risk of flooding and associated risk to life and property within and outside the application site, thereby contrary to the National Planning Policy Framework (NPPF) Planning Practice Guidance, Policy 5.12 of the London Plan (2015) and Policies 115 and 116 of the draft Local Plan.

Considerations

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

- o Resubmission
- o Principle
- o Design
- o Highways
- o Neighbouring amenity
- o Sustainability
- o flooding

Resubmission

The application seeks to overcome the grounds for refusal in respect of application reference 17/05347. More information has been provided regarding the existing and proposed parking layout and spaces within the site. It is stated that the area of the site upon which the building will be constructed was formerly used by a neighbouring business to store vehicles but that this agreement has ceased and that as a consequence the existing parking which would be retained would be so solely for the use of the host business.

The applicant has also submitted additional information relating to deliveries and staffing.

The application now includes a Flood Risk Assessment.

Principle

The application site is located within the Chaffinch Park Business Area.

Policy EMP4 states that 'in the business areas identified on the Proposals map only the following uses will be permitted:

- (i) Class B1, provided that the use does not impede effective operation of neighbouring businesses and large new offices meet the provisions of EMP1;
- (ii) Class B2; or
- (iii) Class B8; large scale warehouse development over 1000sqm will only be permitted in the St Mary Cray Business Area."

Para 10.18 explains that the 'Business areas consist largely of land with established light industrial and warehouse uses. The Council wish to safeguard a supply of such land in the borough to provide for the growth and development of business and industry.

Policy 82 of the Draft Local Plan broadly replicates the provisions of Policy EMP4 in terms of the support and protection advocated for Class B uses within Locally Significant Industrial Sites (LSIS).

The proposal would consist of the construction of a new warehouse for storage and distribution purposes associated with the adjacent warehouses. The proposal would result in the creation of 280sq.m of new floor space. The nature of the use within an established Business Area is considered to be acceptable and accords with the above policy. The principle of development is therefore considered to be acceptable, subject to consideration of design, amenity impacts, highways and flood risk matters.

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.

It is considered that the design of the building would be compatible in terms of its scale, siting and appearance with the host building. The warehouse would be positioned within the existing scope of Class B units upon the site, and would be screened from neighbouring residential sites by the existing southern building. The height, appearance and materials uses would complement the host building and would not be uncharacteristic of existing development within the LSIS.

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 technical highways objections are raised to the proposals.

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 proposal would be set within the confines of an existing Business Park where there is already an established degree of commercial activity. The existing buildings would separate the proposed development from the closest neighbours to the south of the site. The nature of the use for storage and distribution purposes would be unlikely result in a significant level of noise and disturbance beyond the adjoining uses. The distance would alleviate any visual harm and officers therefore consider that the proposal would unlikely give rise to significant harm to neighbouring residents.

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.

Flooding

Objections are raised by the Environment Agency to the proposed structure, stating that the development will reduce flood storage capacity as a consequence of which within the development and in upstream and downstream locations the development would result in risk to life and/or property. The development would impede flood flow and reduce storage capacity, thereby increasing the risk of flooding in the local area. While the impact shown on the Flood Risk Assessment with regards to the proposal increasing flood risk elsewhere and at the site is shown to be minor, the Environment Agency object to any increase in flood risk elsewhere

The Environment Agency is a statutory consultee and as such the objections raised constitute a strong material planning consideration.

However, Members are advised that since the application does not relate to a major development proposal the case would not be referable to the Environment Agency if permission is granted. Members will note the most recent comments from the EA which have confirmed that the ultimate decision rests with the Council as lead authority, to decide whether planning permission should be granted for the proposal.

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

It is considered that in terms of the impact of the proposal on residential and visual amenity this current application overcomes in part the grounds for refusal of planning permission for the most recent scheme.

Where the previous scheme was refused in part on the basis of the site's position within a flood zone and also in the absence of a Flood Risk Assessment, this current application has been submitted with a site specific FRA. However, the Environment Agency raise continued objections to the proposals on the basis of the extension's position within a functional floodplain and the lack of ability within the site to provide flood water storage so as to prevent there being increased flood risk outside of the site and the attendant impact on risk to life and property.

As a statutory consultee the objections of the Environment Agency carry significant weight in the determination of the application and it therefore recommended that planning permission be refused. Notwithstanding that it remains recommended that planning permission be refused, it is acknowledged that this is a very finely balanced case and that the applicant has made a persuasive argument regarding

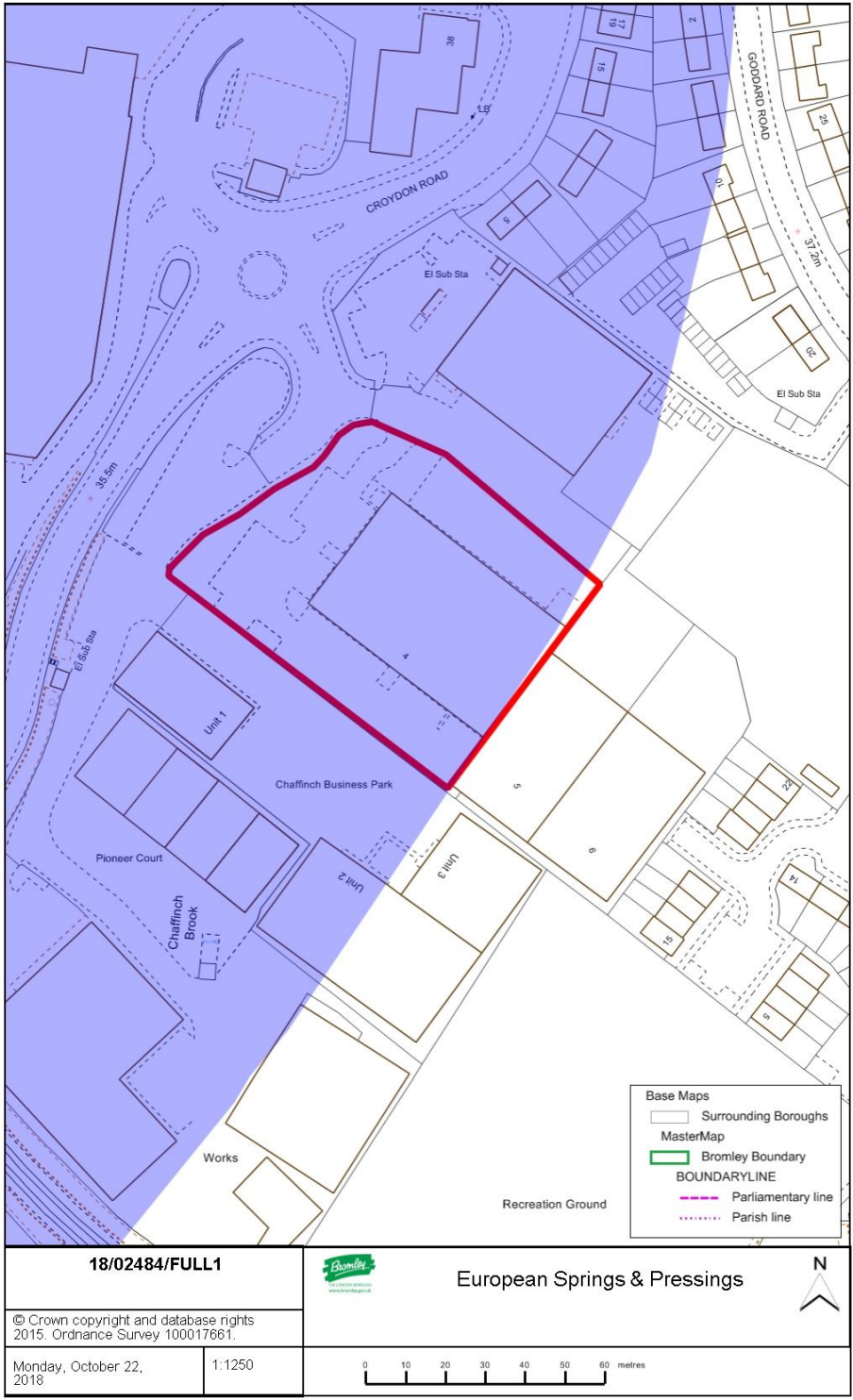
the business and employment impact should permission be refused. This impact will need to be balanced against the potential flood risk in reaching a conclusion and determining the application.

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 application site lies within a functional floodplain/Flood Zone 3 defined as having a high probability of flooding and it has not been demonstrated that the proposal would not, as a consequence of its size and siting/site constraints, result in an increase in flood levels off site, thereby contrary to the National Planning Policy Framework, Policy 5.12 of the London Plan (2015) and Policies 115 and 116 of the draft Local Plan.**




18/02484/FULL1


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Monday, October 22,
2018



European Springs & Pressings





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SECTION '2' – Applications meriting special consideration

Application No : 18/03906/FULL6

Ward:
Petts Wood And Knoll

Address : 148 Petts Wood Road, Petts Wood,
Orpington BR5 1LF

Objections YES

OS Grid Ref: E: 544630 N: 167775

Applicant : Mr Ajay Agrawal

Description of Development:

Single storey rear extension and garage conversion to habitable space

Key designations:

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

Proposal

The proposal seeks permission for the formation of a single storey rear extension and garage conversion to habitable space.

The host dwelling already benefits from a single storey side/rear extension that was granted planning permission under reference 87/01334/FUL. The current proposal seeks to effectively remove and replace this structure with a larger extension that will have a width of approx. 2.8m along the front elevation, a depth of approx. 11.9m along the flank elevation of the host dwelling, and the rear elevation will measure approx. 9.6m in width. This entire extension will form a 'wraparound' extension around the original rear and flank elevations of the property, with a rearward projection from the original rear elevation of the host dwelling of approx. 3.6m.

The front elevation of the side extension will be built in-line with the front elevation of the host property with a maximum height to the ridge of the false pitched roof of approx. 3.56m. The rear extension element will project in depth beyond the rear elevation of the property by approx. 3.6m, with a maximum height to the top of the flat roof of approx. 3m (excluding the roof lantern which will have a maximum height of approx. 3.6m) with the flank wall of the extension being built along the property boundary shared with the adjoining dwelling, No.146.

The proposed replacement side extension element will involve the removal of the existing attached garage, and the new extension will form fully habitable accommodation, removing the garage element. The flank elevation of the side

extension will be built up to the property boundary shared with No.150, measuring approx. 3.6m to the top of the ridge of the small pitched roof towards the front of the structure, with the flat roof beyond it measuring approx. 2.7m.

It is also proposed to introduce elevation alterations to the front elevation of the property at ground floor level, providing a new front entrance door to the host dwelling. At present, there is an internal porch area with the front door being set-in from the main front elevation. The current proposal seeks to bring the entire front elevation in-line and remove the separate porch element.

All materials to be used for the proposed extension will match the host dwelling.

The car parking arrangements on site will involve the loss of the garage parking space due to the conversion of the garage to habitable accommodation, however the parking layout within the frontage of the site will not alter, with there being space for at least two off-street spaces.

Location and Key Constraints

The application site is located on the northern side of Petts Wood Road within the Petts Wood Area of Special Residential Character and hosts a semi-detached dwelling.

Comments from Local Residents and Groups

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

- do not consider the current application has done enough to overcome previous refusal grounds;
- the refused proposal measured 3.2m high x 4.5m long; the new application proposes this wall to be 3.005m high x 3.6m long. At its closest, it is only 1m from the principal rear facing living room of No. 146. It projects high above the close boarded fence which presently separates the properties and provides a degree of privacy to the occupants of both properties;
- A more modest extension to No. 148 exists on the other side of the plot adjacent to No. 150. This kitchen extension projects out from the back wall of No. 148 by approximately 2.9m. This appears to be a satisfactory and established rear building line;
- If proposed side wall was stepped away from boundary by 1m, would still result in large open plan internal space but enable the wall to be maintained in the future without encroachment on neighbouring property, and will also lessen the impact upon the amenities of No.146.

Comments from Consultees

The Council's Highways Engineers raised no technical objections. There will remain parking on the frontage for at least 2 vehicles.

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.

The National Planning Policy Framework was published on 24th July 2018.

According to paragraph 48 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

T18 Road safety

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

30 Parking

37 General Design of Development

44 Areas of Special Residential Character

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

There is historical planning history relating to the application site which can be summarised as follows:

87/01334/FUL - single storey side/rear extension granted.

More recently, permission was refused under 18/00412 for garage conversion, single storey rear and side extensions and loft conversion for the following reasons:

1. The proposed single storey side/rear extension would, by reason of its excessive rearward projection within close proximity to the eastern property boundary, have a seriously detrimental effect on the residential and visual amenities, and daylighting afforded to, No.146, along with the prospect which the occupants of that dwelling might reasonably expect to be able to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policy 37 of the emerging Local Plan;
2. The design and bulk of the proposed roof alterations, involving as it does substantial alterations to the existing roof line of the property, would be detrimental to the symmetrical appearance of this pair of semi-detached houses, would detract from the character of the host building, and would harm the character and appearance of this part of the Petts Wood Area of Special Residential Character, contrary to Policies BE1 and H10 of the Unitary Development Plan and Policies 37 and 44 of the emerging Local Plan; and
3. The proposed roof development would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of neighbouring dwellings, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the emerging Local Plan.

Considerations

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

- Principle
- Design

- Neighbouring amenity
- Highways

Principle

The site lies within an urban and built up residential area where there is no objection in principle to new residential extensions subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implication.

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 single storey side extension would not harm the character of the host property any further than the existing development currently on site along the side of the host property. This element will be visible from the roadside, however the overall difference between what is currently in position along the side of the host dwelling and what is being proposed does not hugely differ in terms of design, and is subsequently not considered to have a detrimental impact upon the streetscene or the character of the ASRC that the property is located within.

The alterations to the front elevation of the host dwelling, removing the internal porch area and bringing the front door to the host dwelling forward so that it is in-line with the main front elevation of the host property would not detract from the character of the property and would enhance the overall appearance of the host dwelling. Introducing the front pitched roof canopy above would preserve the overall character of the property and would not detract from the ASRC.

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 considered that the impact of the single storey rear extension will not have a detrimental impact upon the residential and visual amenities of the occupiers of No.146. Concerns were raised with regard to the previously refused application (18/00412) by reason of excessive rearward projection within close proximity to the property boundary. The

current scheme has been altered by reducing the rearward projection by approx. 0.9m and the height of the structure has also been reduced so that the overall height along the shared property boundary will now measure approx. 3m from ground level to the top of the flat roof. Whilst concerns have been raised by the occupier of No.146 that this height and depth will still result in an overbearing impact upon their amenity, it is considered that the current proposal has overcome the previous concerns and fully addressed the previous refusal ground relating to the single storey development at the site.

With regard to the impact upon No.150, whilst the proposed replacement single storey side/rear extension will result in development along the shared property boundary that will have a height of approx. 2.7m towards the front of the extension to approx. 3m towards the rear of the extension, notwithstanding the top of the ridge of the pitched roof element to the front, there is an existing extension at No.150 and it is considered that as a result of the existing extension at No.150 and the relationship it will have with the proposed side/rear extension, the amenities of the occupiers of No.150 should not be unduly affected. There is one window in the flank elevation of the extension at No.150 which serves a downstairs toilet (according to the floor plans approved under reference DC/05/01146), and the proposed extension will therefore not impact upon any habitable rooms within No.150. In addition, only 2 high level windows are proposed in the flank elevation of the side extension element at No.148, which will both have obscured glazing, therefore no direct overlooking or loss of privacy will occur. Whilst there will not be a huge degree of separation between the flank elevations, the rearward projection of the extension at No.148 does not appear to be any greater than the existing extension at No.150, thereby minimising the visual impact that the current proposal will have upon the windows in the rear elevation of No.150.

The development as a whole will not have an undue adverse impact upon the properties to the rear of the application site due to the degree of separation between the position of the extensions and the rear elevations of the properties to the rear.

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 UDP should be used as a basis for assessment.

The current parking layout to the front of the property will not alter as part of the scheme. There will be the loss of one internal parking space from the replacement single storey side extension element of the scheme, which will include the removal of the internal garage, however there will remain off-street parking spaces available within the curtilage of the site. Therefore there is no impact upon highways conditions.

CIL

The Mayor of London's CIL is a material consideration, however 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. The proposed extension would not result in a significant loss of amenity to local residents nor impact detrimentally on the spatial standards of the site or wider area, nor upon the general character of the area of special residential character that the property is located within.

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.**

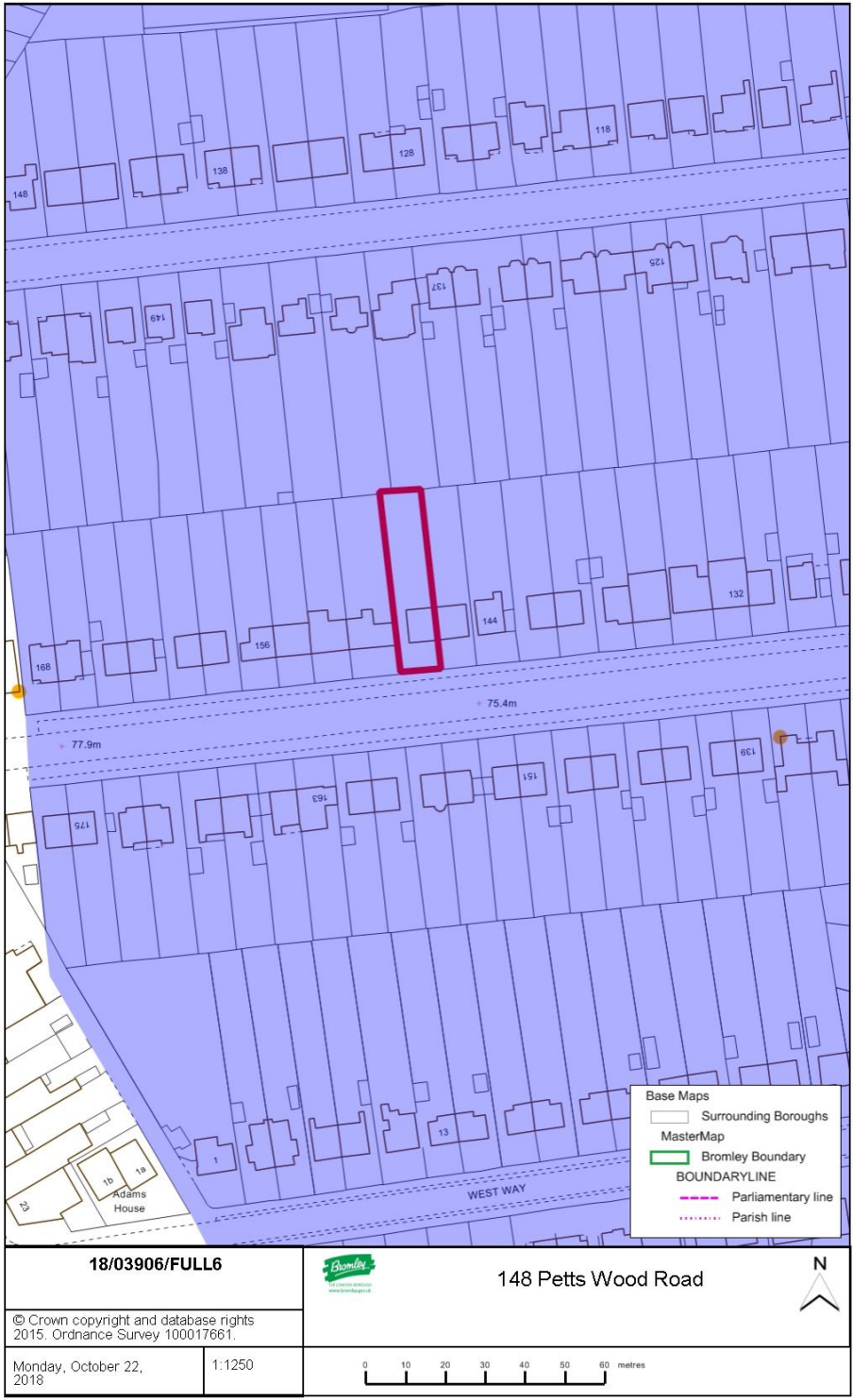
REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the 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 No windows or doors shall at any time be inserted in the 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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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/01672/FULL1

Ward:
Chislehurst

Address : Willow Grove Works, 9 Willow Grove,
Chislehurst BR7 5BN

Objections Yes

OS Grid Ref: E: 543827 N: 170787

Applicant : Mr Guy Osborn

Description of Development:

Demolition of the existing ground floor garage and erection of a two storey gymnasium (Class D2)

Key designations:

Conservation Area: Chislehurst

Smoke Control SCA 16

Proposal

The proposal is for the demolition of the existing single storey garage, situated to the south-western corner of "Willow Grove Works" site, and erection of a two storey gymnasium (Class D2).

Location and Key Constraints

The application site is located behind Chislehurst High Street, at the junction with Willow Grove. The site is within Chislehurst 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:

Local Groups (Chislehurst Society)

- This application is acceptable in principle as planning permission has already been granted for a similar use of the first floor of this building (16/03459)
- Additional traffic movements from and to Willow Grove, particularly given the 'blind-spot' adjoining the Chislehurst Doors, will aggravate existing traffic issues at the Willow Grove/High Street junction.
- On-site car parking appears not to be available for users of the gym facilities.
- Car parking itself is not addressed.

- Notwithstanding the spaces potentially available in nearby public car parks, there would be potentially negative impacts on local residential roads from an increase in demand for 'free' parking.

Following a change of description, nearby owners/occupiers were re-notified for 21 days. No additional comments were received within this second consultation period.

Comments from Consultees

Conservation Officer:

- This is a secluded backland site I do not see any harm being caused to the Conservation Area

Highways:

- The proposal is to extend the D2 use in the form of a studio/gym to the ground floor of Willow Grove Works.
- The ground floor gym/studio area will be replacing the sui generis and storage elements i.e. dealership and car valeting service which are not required. The double garage door will be replaced by a new glazed area to allow natural light in and make the space much brighter.
- There will be no parking for the Gym/Studio as the parking is controlled by the Freeholder. The access road is owned by the Freeholder as are all the allocated parking spaces. All clients using the Gym/Studio for set classes and personal training can use the ample parking situated on Chislehurst High Street. There are two large car parks, Sainsbury's car park and 40 High Street bays all within a very short walk of the premises. In addition, a lot of clients will live locally and so will walk, cycle or use public transport.
- As there are two large car parks for the gymnasts in the vicinity I would have no objection to the application.
- The cycle parking requirements are set out in Table 6.3 of the London Plan. The applicant should provide cycle spaces as per London Plan. Policy 6.9 (B)(a) states that developments should provide integrated, convenient and accessible cycle parking facilities.
- Please include the following condition with any permission: H22 (Cycle parking)

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

- BE1 Design of New Development
- BE11 Conservation Areas
- S7 Retail and Leisure Development
- T3 Parking
- EMP3 Conversion or Redevelopment of Offices
- EMP5 Development Outside Business Areas
- EMP9 Vacant Commercial Sites and Premises

Draft Local Plan

- 6 Residential Extensions
- 30 Parking
- 37 General Design of Development
- 41 Conservation Areas
- 83 Non-designated Employment Land

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

Planning history indicates the site was originally part of 'Brooklands Garage'. Since the division of the site, the property has been subject to the following planning applications:

- 13/01425/FULL3 - First floor extension together with provision of means of escape and elevational alterations to form gymnasium (Class D2) - Permitted 21.08.2013
- 16/03459/FULL1 - First floor extension together with provision of means of escape and elevational alterations to form gymnasium (Class D2) - Permitted 28.09.2016

Considerations

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

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

Resubmission

In 2013, the site was granted permission under reference 13/01425/FULL3 for a first floor extension together with provision of means of escape and elevational alterations to form gymnasium (Class D2). This permission expired therefore a subsequent application was submitted and permitted in 2016 under ref. 16/03459/FULL1.

This current application seeks permission for the demolition of the existing single storey garage building and the erection of a two storey gymnasium (Class D2). The design of the building has also been altered to include a flat roof and additional glazing. The external materials will include Zinc cladding at first floor level.

Principle

A planning application in 1990 (ref. 90/00638/FUL) was granted permission for a part one/two storey detached building for use for storage of motor vehicles and as store/office. A condition was included a condition (97) which stated that "the single storey building hereby permitted shall only be used for the storage of motor

vehicles and the two storey building for reception/store on the ground floor with offices over on the first floor". The proposed plans indicate that the existing two storey reception/store/office element will remain for use as office and storage areas. The existing ground floor motor vehicle storage area will be demolished and replaced by a two storey gym (class D2). The agent states that the site was vacated in the early 2000s and has since been used for storage by Dial Investments and now Celbridge Limited. Internal photographs were provided which indicate that the premises are currently being used as storage. Nonetheless, given that the last lawful use of the ground floor is for the storage of vehicles, it is not considered to result in loss of employment or office 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.

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

The application site is situated to the rear of Chislehurst High Street and forms part of a "mews" development of various building fronting a parking lot. The area is commercial in function and appearance and forms an extension of the existing commercial hub along the High Street. To the west is a residential development of modern terraced houses which form part of "Nursery Gardens", with their rear garden adjoining the application site.

The current application seeks permission for the demolition of the existing single storey garage and the erection of a two storey gymnasium (Class D2). It will not exceed the height of the existing buildings. The proposed materials include zinc cladding at first floor level to the side and rear elevations. A large glazed feature is proposed at ground and first floor level. It was noted onsite that the site opposite has a similar glazed feature. Overall it is considered that the proposal is in keeping with the character and appearance of the surrounding area.

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

Heritage Assets

The NPPF sets out in section 16 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.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

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 site is located within the Chislehurst Conservation Area. It is situated to the rear of Chislehurst High Street. It is considered that the proposal could comfortably be accommodated without it undermining the character of its immediate surroundings. Furthermore, given its scale, siting and appearance, the proposal is not considered to impact on the character or openness of the Chislehurst Conservation Area. The Councils Conservation Officer raised no objections to the current proposal due to the secluded nature of the site.

It is considered that the proposed development would preserve 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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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 ground floor is used for storage and parking. This current application includes the demolition of single storey building and the erection of a two storey gymnasium (Class D2).

The site is located within close proximity to public car parks and on street parking is also available on Chislehurst High Street. As such, no objection was raised from the Councils Highways Officer, subject to a condition to provide cycle parking in line with London Plan Policy 6.9 (B)(a).

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.

Permission has previously been granted for a first floor extension. The current proposal is for the demolition of the existing single storey garage and the erection of a two storey gymnasium (Class D2) with a similar footprint. The design of the building has been altered since the previous permission to include a flat roof and additional glazing. The external materials will include Zinc cladding at first floor level. First floor windows are proposed in the southern flank elevation however these would look onto an existing carpark. No first floor rear windows are proposed therefore it is not considered to impact on the existing privacy levels of residential properties located at the rear, on Nursery Gardens. The proposed building is of a similar scale to that previously permitted, taking account the first floor extension approved, and the circumstances have not significantly altered to warrant a different decision.

The change of use of the site to a gymnasium is not considered to impact significantly on the amenities of neighbouring properties. The application form states that the hours of operation will be 08:00 - 22:00 Monday - Saturday and 09:00 - 18:00 on any Sunday or Bank/Public Holiday. It is considered appropriate to include a condition regarding the hours of operation in order to protect the amenities of neighbouring properties.

Having regard to the use, 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.

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: 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 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank or rear elevations 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.

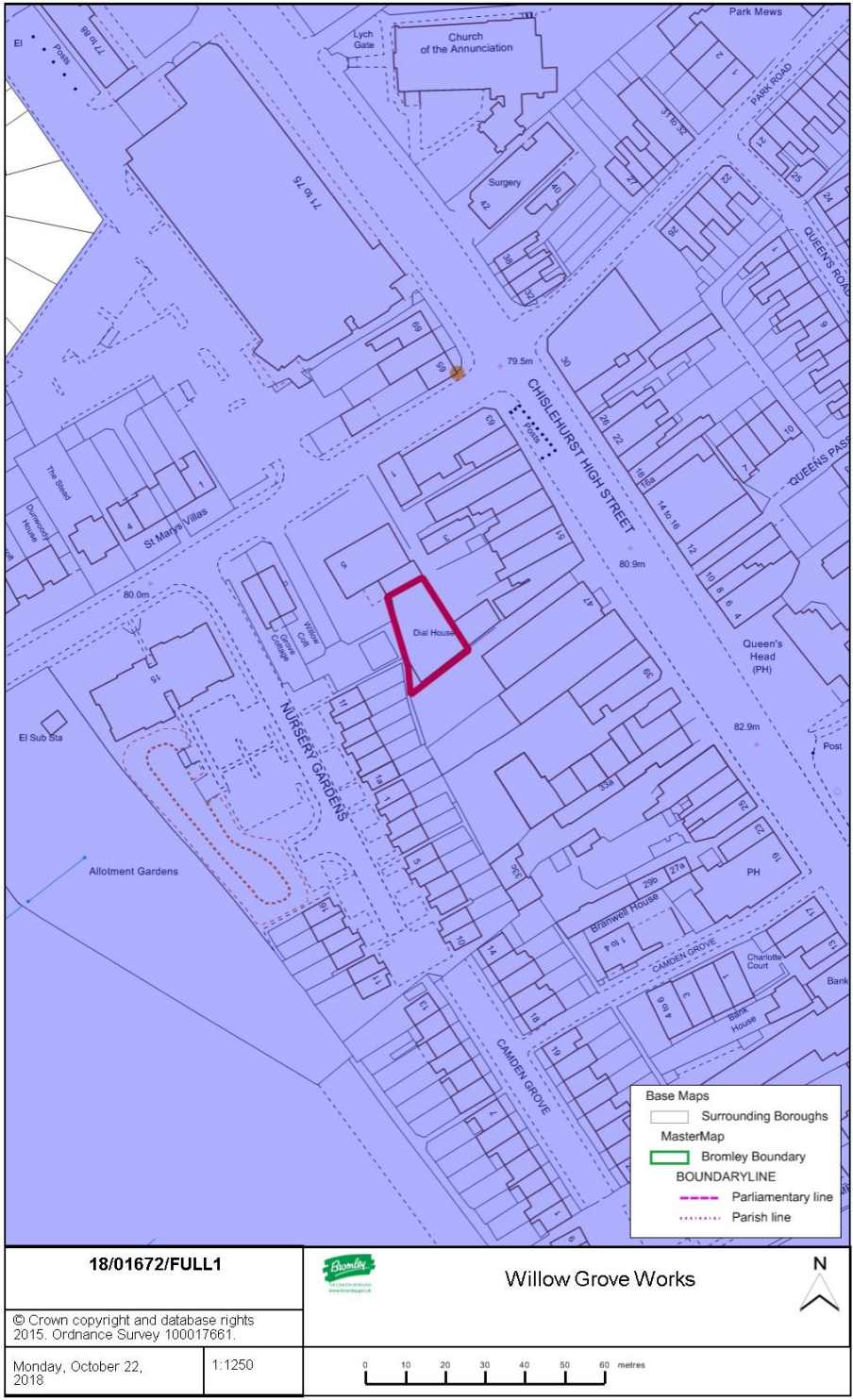
- 5 The ground and first floor hereby approved shall only be used as a gymnasium as detailed in drawing no. B101.Rev.B and for no other purpose. There shall be no change of use whether allowed by the Town and Country Planning (Use Classes) Order 1987, the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting these Orders.**

Reason: In order to comply with Policies BE1 of the Unitary Development Plan and in order that the Council can consider any proposed change of use with regard to current planning policies to prevent any inappropriate use.

- 6 The use shall not operate before 08:00 or after 22:00 Monday - Saturday or before 09:00 or after 18:00 on any Sunday or Bank/Public Holiday.**

Reason: In the interest of the residential amenities of neighbouring properties.


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18/01672/FULL1

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Monday, October 22,
2018

 **Willow Grove Works**

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

Application No : 18/02740/FULL1

Ward:
Plaistow And Sundridge

Address : 2 Avondale Road, Bromley BR1 4EP

Objections: Yes

OS Grid Ref: E: 540344 N: 170866

Applicant : Mr N R

Description of Development:

Conversion of existing dwelling to form two 4 bedroom dwellings (to include two storey side/rear extension, single storey rear extension and conversion of roof space to habitable space as permitted under ref: 16/01116/FULL6) and single storey detached outbuilding to rear.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 7

Proposal

The application seeks permission for the conversion of existing dwelling to form two 4 bedroom dwellings. The application would include a two storey side/rear extension, single storey rear extension and conversion of roof space to habitable space which has previously been permitted under ref: 16/01116/FULL6), and the addition of a single storey detached outbuilding to rear.

Location and Key Constraints

The application site hosts a two storey semi-detached property located on a corner plot on the northern side of Avondale Road, at the junction with Brook Lane.

The property is not listed nor located 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:

Objections

- Strongly object to the conversion of the existing dwelling to form any extra dwelling on this site.

- Safety of children in rear gardens compromised by being overlooked.
- Loss of sunlight to gardens.
- Impact on health.
- Concerns the property will be used as a multi occupancy property which will then impact on parking and safety.
- Extension is not in keeping with existing properties on this side of Avondale Road, and no in keeping with existing building.
- Layout of front garden is also not in keeping.
- Loss of privacy.
- Rear extension appears to approach line of existing party wall and don't see how this can be built without considerable intrusion on our privacy.
- Loss of light.
- Concerns over potential commercial use of the outhouse and ambiguity of the use.
- Access via Brook Lane raises questions not only of privacy but also safety.
- Many accidents and near accidents on Brook Lane and cars emerging adjacent to No.2.

Comments from Consultees

Highways: I would like to avoid the single storey detached outbuilding to rear from becoming a self-contained dwelling, separate and apart from the original dwelling houses so please attach a conditions to prevent this from occurring something on the lines that in future single storey detached outbuilding to rear will stay as an integral part of the principal dwellings.

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.

The National Planning Policy Framework was published on 24th July 2018.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - b) 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

C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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
- 7.4 Local character
- 7.6 Architecture

Unitary Development Plan

- H1 Housing Supply
- H7 Housing Density and Design
- H8 Residential extensions
- H9 Side space
- H11 Residential Conversions
- T3 Parking
- T18 Road safety
- BE1 Design of new development

Emerging Local Plan

- 1 Housing supply
- 4 Housing Design
- 6 Residential Extensions
- 8 Side Space
- 9 Residential Conversions
- 30 Parking
- 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 (to be listed in date order with oldest first):

Considerations

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

- Resubmission
- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability

Resubmission

The application includes the same two storey side/rear extension, single storey rear extension and conversion of roof space to habitable space as previously permitted under ref: 16/01116/FULL6.

The current application seeks to also convert the resulting building to form two 4 bedroom dwellings.

A single storey detached outbuilding is also proposed to the rear of the property.

Design and Principle

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which

promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The scale and bulk of the proposed two storey side/rear extension, single storey rear extension and conversion of roof space would remain the same as previously approved under the previous applications. As such it cannot be considered that this would result in any unacceptable harm to the appearance of the host building or the character of the area in general. The main concern with regards to this application is therefore the conversion of the property into two separate units.

The current application proposes the conversion of the property into two separate units, which would turn the existing pair of semi-detached dwellings into a row of 3 terraced dwellings. The area is quite varied in terms of its character and includes a mix of detached, semi-detached and terraced dwellings of varying sizes. The principle of converted the existing dwelling is therefore considered acceptable, particularly given that the design would include a shared entrance door to the building which would retain the appearance of a semi-detached dwelling to the front.

The application also includes the addition of a single storey outbuilding to the rear, sited in the garden of Unit 1. The outbuilding would measure approx. 10.8m wide and 7.8m deep, featuring a dual pitched roof with a maximum height of 3.9m and an eaves height of 2.5m. It is noted that the outbuilding has been approved under a Lawful Development Certificate application (ref: 17/00061/PLUD) and could therefore be constructed in any case, however given its inclusion within this application it is required to be assessed on its own planning merits. The outbuilding would be large in size, however is not considered excessive given the size of the rear garden in which it would be sited. Furthermore, it would be set a minimum of 2m from the boundary of the site, and would pitch down to a modest eaves height, with its impact within the streetscene further mitigated by the existing boundary screening along the flank and rear boundaries. It is therefore considered that it would not result in any unacceptable harm to the character of the area. The outbuilding is intended to be used as a gym and office space which is considered acceptable in principle, however given its footprint a condition is recommended to ensure that the outbuilding remains ancillary to the main dwelling and is not severed to form a separate unit of accommodation.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building

Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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 Technical 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.

The converted building would provide two separate units, with Unit 1 forming a 4 bed 7 people dwelling, and Unit 2 forming a 4 bed 6 people dwelling. The proposed units would provide a GIA of 121sqm and 112sqm respectively, and would therefore exceed the minimum space standards required for dwellings of this size. The size of the bedrooms and the layouts of each dwelling are also both considered acceptable.

Amenity space is provided by way of a rear garden to each of the proposed properties. Each garden would exceed the minimum required private amenity space expected, though Unit 1 (4 bed, 7 people) would benefit from a significantly larger garden than then Unit 2 (4 bed, 6 people). Whilst the garden to Unit 2 would be smaller than others within the area, it is considered that it would provide sufficient amenity space and would not be so out of keeping with the area as to warrant a refusal on this ground.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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.

Highways Officers consider that the proposed development would provide adequate off-street parking and have raised no concerns with regards to the proposed development, subject to a number of conditions, including to ensure the development does not result in any harm to highway safety. Further to this, highways officers have stated they would like to avoid the single storey detached outbuilding to rear from becoming a self-contained dwelling, separate and apart from the original dwelling houses, and have requested a further condition to prevent this from occurring and to ensure that in future the single storey detached outbuilding will stay as an integral part of the principal dwellings.

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.

With regards the impact on neighbouring properties, the proposed scale and bulk of the extensions would be the same as permitted under the previous applications. Given this application would not result in the increase in the size of the resulting building it is not considered that it would result in any additional harm by way of loss of light or outlook.

In terms of privacy the current application includes alterations to the internal layout of the property as a result of the conversion into two separate units. The layout would include windows serving bedrooms to the rear of the properties which would provide a degree of overlooking from first and second floor levels to the rear garden of the neighbouring property. However, the existing dwelling currently benefits from existing windows which already provide this view, and the proposed development is therefore not considered to result in any significant opportunities for overlooking above that which already exist. Furthermore, the relationship between the two proposed units would also be considered acceptable with regards to privacy.

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.

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.

as amended by documents received on 27.09.2018

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 No windows or doors shall at any time be inserted in the elevation facing towards the attached neighbour at No.4 of the extensions 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 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 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.

- 7 The proposed single storey outbuilding to the rear shall be used only by members of the household occupying the permitted dwelling referred to as Unit 1 on the submitted plans, and shall not be severed to form a separate self-contained unit.

Reason: In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the outbuilding is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

- 8 No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such

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

- 9 Before the access hereby permitted is first used by vehicles, it shall be provided with visibility splays and there shall be no obstruction to visibility in excess of 1 metre in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.

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

- 10 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.

- 11 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings 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.

- 12 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.

- 13 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.

- 14 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.**

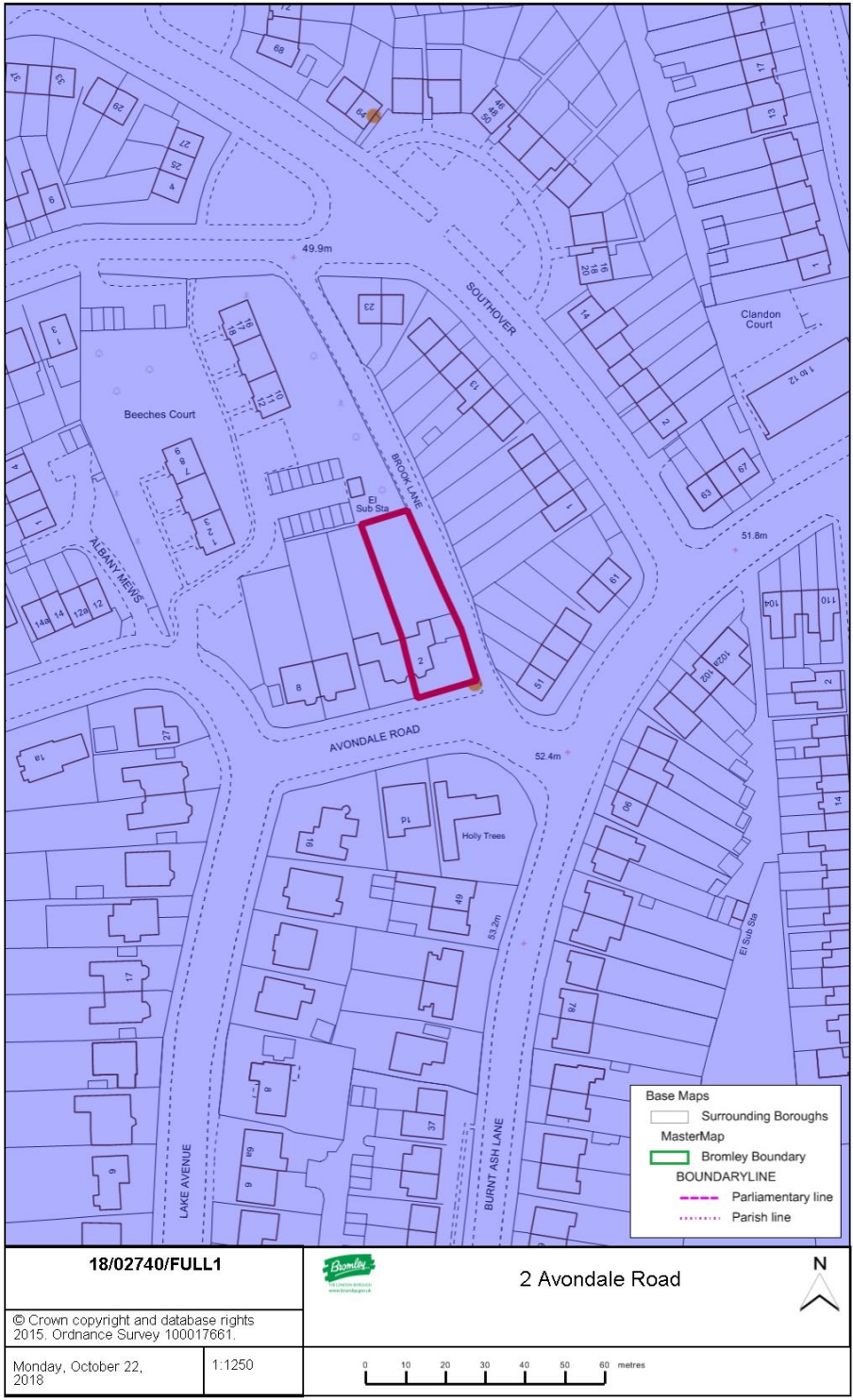
Reason: To ensure satisfactory implementation of the surface water drainage proposals and to accord with London Plan Policy 5.13 Sustainable Drainage

- 15 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.**

You are further informed that :

- 1 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.**
- 2 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.**


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Monday, October 22,
2018

 **2 Avondale Road**

0 10 20 30 40 50 60 metres

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

Application No : 18/03478/FULL6

Ward:
Bromley Town

Address : 17 Cameron Road, Bromley BR2 9AY

OS Grid Ref: E: 540180 N: 167977

Applicant : Mr & Mrs Hammound

Objections : YES

Description of Development:

Proposed loft conversion with rear dormer, proposed single storey front elevation.
Proposed first floor (existing) altered + new dormer and bay to the first floor.
Proposed garage conversion. Facade alterations to ground floor side elevation
driveway increased in size

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 51

Proposal

Planning permission is sought for the following:

- Rear dormer extension and loft conversion

The rear dormer would be set in from the flank elevations of the host dwelling by approx. 2.65m and would be set in from the eaves of the host dwelling below. The dormer would be tile hung and would include 2 juliet balconies.

- Single storey front extension

The extension would infill and existing set back between the garage projection and the southern elevation of the dwelling, set beneath a pitched roof which would extend from the single storey front projection up to the ridgeline on a slightly modified roof pitch.

- First floor front extension, enlargement of dormer and new dormer

A centrally positioned front dormer/first floor front extension would be provided with a large front window which would serve the internal staircase. The extension would

incorporate a pitched/hipped roof and would be tile hung. A new dormer would be provided on the southern side of the extended roofslope, which would be of a size to match the enlarged dormer on the northern side of the roofslope. These dormers would be flat-roofed to match the existing.

- Conversion of garage to habitable room

The existing garage door would be replaced by a front facing window and the internal space used as a dining room extension.

- Elevational alterations

Including the replacement/removal of windows in the front elevation.

- Enlargement of driveway

The driveway would be widened in front of the house with the extended area of hardstanding being provided towards the southern boundary of the site.

Location and Key Constraints

The application site lies on the eastern side of Cameron Road and comprises a two storey detached dwellinghouse. The host and surrounding dwellings were constructed at the same time as part of a comprehensive estate development but while originally they would have had a uniform appearance, over time a number of the dwellings have been extended.

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

- o Inaccurate information re: tree in adjacent property. Proposal would harm the health and long term retention of the tree
- o On-going boundary dispute has not been referred to
- o Scale and bulk of the extension would be detrimental to the visual amenities of the area and the appearance of the host dwelling.

Comments from Consultees (summarised)

Highways: No objections.

Tree Officer: No objections and no recommended conditions from a trees perspective. The proposed alterations and extensions do not pose a direct threat to the birch tree. I do not see it necessary to address the tree as a constraint on this basis and do not consider precautionary measures necessary in terms of conditional tree protection.

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.

The National Planning Policy Framework was published on 24th July 2018.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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
- T3 Parking
- T18 Road safety
- BE1 Design of new development
- NE7 Development and trees

Draft Local Plan

6 Residential Extensions
8 Side Space
30 Parking
37 General Design of Development
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

13/03893 - Planning permission was refused for a part one/two storey side/rear extension, single storey front extension and elevational alterations. Permission was refused on grounds relating solely to the impact of the proposal on a silver birch tree:

"The proposed extension is likely to adversely affect the long term future of the birch tree at the adjacent property, No. 15 Cameron Road, which contributes to the character and appearance of the area and which would be contrary to Policy NE7 of the Unitary Development Plan."

14/04528 - The Council resolved to contest an appeal against the non-determination of an application for a lawful development certificate for the erection of a single storey side extension. The appeal was dismissed.

Considerations

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

- Design
- Highways
- Neighbouring amenity
- Trees
- 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 H8 of the Unitary Development Plan relates to residential extensions and requires that the scale, form and materials of construction should complement the host dwelling and be compatible with surrounding development. With regards to dormer extension it is required that they should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches unless dormers are a feature of the area.

It is noted that the proposal incorporates significant front roof development including the alteration to the pitch of the roof slope and the provision of a centrally positioned front gable roof extension. The proposal would also remove the set back on the front elevation between the catslide roof and the two storey front elevation.

The proposed development would be readily visible from the street scene. However, the palette of materials to be used to form the extensions and the overall scale of the development is not considered significantly harmful to the appearance of the host dwelling.

The proposed front dormers would bookend a large front first floor extension, which is noted to include a pitched roof with a sloping hipped front roof slope rather than a gable, with a ridgeline set significantly below that of the main roof slope. While readily visible, in the context of the width of the dwelling and the expanse of the extended front roof slope this is not considered to undermine the appearance of the host dwelling, being of a design and materials appropriate for the original dwelling.

In view of the lack of clear uniformity in built form in the grouping of dwellings within which the application dwelling lies it is not considered on balance that the proposal would undermine a distinctive character of development in the street scene. The extensions to the dwellings on either side of the host dwelling are clearly visible within the street scene, widening significantly those immediately neighbouring dwellings that have been extended and in context with these significant side extensions and front dormers, it is not considered that the form, scale and siting of the proposed extensions would be out of character with surrounding development or the area generally.

It is not considered that the proposed rear dormer extensions would have a significant impact on the visual amenities of the area, nor that the infilling of the existing set-back in the front elevation and front roof slope would be detrimental to amenity.

The enlargement of the driveway would be of limited impact on visual amenity in view of its siting relative to the house and the frontage of the site.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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 an existing garage space by conversion to habitable accommodation. In view of the size of the frontage of the dwelling and the existing/proposed scope of the off-street parking available in front of the house it is not considered that this part of the proposal would be harmful to conditions of safety and the free flow of traffic in the adjacent highway, and nor would it lead to unacceptable pressure on on-street parking.

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.

It is not considered that the front extensions, side elevational alterations and rear dormer extensions would have a significant impact on the residential amenities of neighbouring properties. It is noted that the dwelling at No. 19 has a large double garage extension positioned towards the boundary with the host dwelling, with 2 small front dormers. In view of the separation to the boundary and the limited depth of the front extension it is considered that the proposal would not have a significant impact on outlook, privacy, light and prospect in respect of that dwelling, taking into account the position of the garage at that dwelling relative to the development proposed. With regards to the other neighbouring property at No. 15, that dwelling is set at a right angle to the front elevation of the host property, and there is adequate separation between the front extensions and the boundary to limit impact on amenity. Again, the host dwelling is separated from the habitable accommodation at the neighbouring dwelling by a double garage. With regards to the flank elevational alterations it is not considered, in view of the relationship between the dwellings, that these would result in a loss of privacy.

The proposed central front dormer/gable would include rooflights on the flank roof slopes, but these would serve an internal landing space and are not considered likely to result in a loss of privacy or overlooking to neighbouring dwellings which are in any case well-separated from the host dwelling.

It is noted that objections have been raised to the proposal with regards to the impact on the health and long term retention of a nearby tree but in view of the siting of the extensions/driveway alterations to the other side of the property with the exception of roof based extensions which would not involve significant excavation or impact on the tree, it is not considered that the refusal of permission on this basis would be warranted.

The submitted objection letter refers to the position of roots running beneath the house itself, with these illustrated as a regular circle based on the position of the trunk of the tree rather than being based upon any underground survey. Concern is expressed that the internal works will have an impact on these roots. On the basis of the relationship between the existing footprint of the dwelling and the tree, the fact that the proposal does not extend the dwelling outwards towards the tree, and the fact that internal alterations could be undertaken without the need for planning permission and therefore with no consideration of this aspect of the proposal, it is not considered that the refusal of permission on this basis would be capable of being sustained at appeal, should permission be refused.

The lack of an Arboricultural report is referred to as a potential ground for refusal but no objections have been raised by the Trees Officer in respect of the proposals.

Attention is drawn to an on-going boundary dispute between the applicants and the neighbours, but the issue of land ownership falls outside of planning control and constitutes a private legal matter. The applicant's agent has noted that the proposal does not relate to the driveway/access adjacent to No. 15 and that the driveway would be extended towards to No 19.

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.

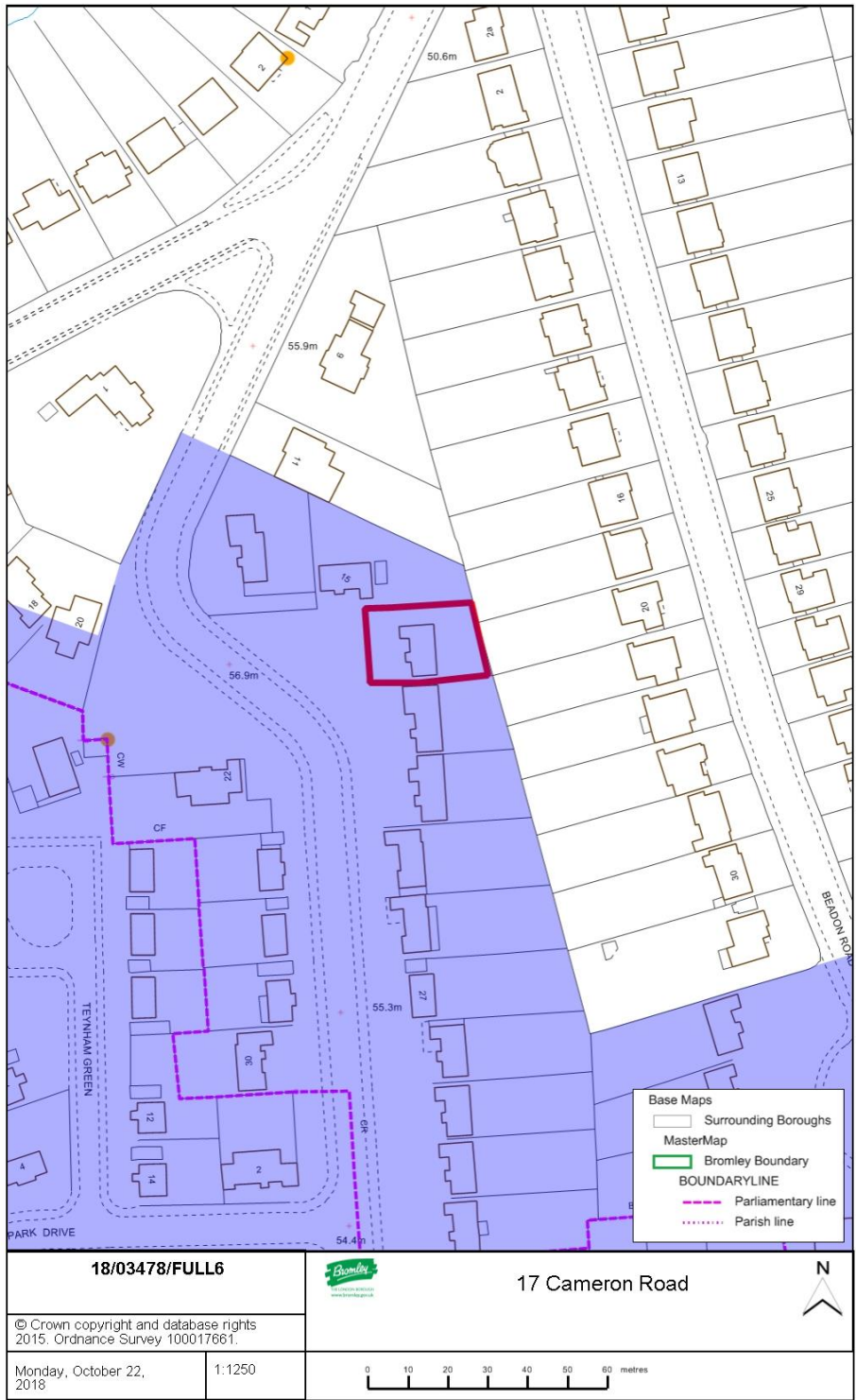
REASON: Section 91, Town and Country Planning Act 1990.

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.



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

Application No : 18/03491/FULL6

Ward:
**Bromley Common And
Keston**

Address : Kenwood, 7 Beechwood Drive, Keston
BR2 6HN

Objections YES

OS Grid Ref: E: 541957 N: 164773

Applicant : Mr Francis Lobo

Description of Development:

Erection of a double storey rear extension and garden house. (Amended drawing - internal alteration).

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 22

Proposal

Planning permission is sought for erection of two storey rear extension and single storey outbuilding. The proposal has been amended since its initial submission; altering the internal layout of the front bedroom so that both side dormer windows would serve bathrooms, removal of a west side flank roof light window and insertion of an east side flank roof light window, and the proposal is assessed on this basis only.

Location and Key Constraints

The application site is 'Kenwood', 7 Beechwood Drive, Keston, a post-war detached two storey chalet style dwelling with roof accommodation supplemented by dormer windows. The dwelling is positioned on the southern side of the highway in the centre of the main branch of Beechwood Drive. There is an existing gable ended projecting element in the centre of the front elevation and at the eastern edge of the rear elevation, and there is an existing two storey element to the western side of the building which rises in height above the level of the main ridgeline. The land slopes gradually down from south to north and the boundaries are marked by a mixture of close boarded fencing, chain link fencing, trees and other vegetation. The area is residential in nature and is characterised mainly by large detached dwellings located in spacious plots, generally of a regular size, shape, layout and orientation. The site does not lie within a Conservation Area or an Area of Special Residential Character.

Planning History

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

94/01088/FUL - Erection of two storey side extension to the eastern elevation was approved on 16 June 1994 and this has been implemented.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- (a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- (b) 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
- (c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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 shall 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
- T3 Parking
- BE1 Design of new development
- NE7 Development and Trees

Draft Local Plan

6 Residential Extensions

8 Side Space

30 Parking

37 General Design of Development

73 Development and Trees

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

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

- o There are no other garden buildings in Kenwood Drive or Brockdene Drive,
- o The proposed garden room is too large,
- o A boiler in the garden room is unnecessary,
- o Given the size, form of construction and services the proposal would resemble a new dwelling,
- o It would be inappropriate to construct new dwellings in residential rear gardens,
- o The garden building would be similar to a development in Hassock Wood which is unacceptable,
- o The size and roof on the garden room would be intrusive to neighbouring properties; 1 Brockdene Drive,
- o The proximity of the garden building to the neighbouring property would damage tree roots,
- o The construction of the garden building would place future pressure to fell the neighbouring trees,
- o The garden room would block light to neighbouring gardens; 1 Brockdene Drive,
- o The existing dwelling has already been extended,
- o The proposed extension would exceed the height of the existing dwelling; which would be out of keeping and intrusive to neighbouring properties, and it would create an uncharacteristic third storey,
- o The proposed side flank dormer window would diminish the space around the property; detracting from the appearance of the area,
- o The upper floor side flank windows would look in to neighbouring properties and their gardens including No. 9 Beechwood Drive. This would apply to all openable windows. Obscure glazed windows could be refitted with clear glazing,
- o The insertion of windows in the future would overlook the neighbouring property No. 5 Beechwood Drive,
- o The rearward depth and height of the extension would be overbearing to the neighbouring properties,
- o The rearward depth and height of the extension would overshadow neighbouring properties,
- o The proposal would set a precedent,

Comments from Consultees

No comments requested or received.

Considerations

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

- o Principle
- o Design and landscaping
- o Neighbouring amenity
- o Highways
- o CIL

Assessment

Principle

The site lies within an urban/suburban area where there is no objection in principle to new residential extensions subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications.

Design and landscaping

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.

As mentioned above the two storey element at the eastern end of the building was constructed under the 1994 permission and therefore the main two storey part of the dwelling with the higher 8.7m high roof line is the original part of the dwelling. The proposed extension would continue this element of the existing dwelling by projecting rearward by approximately 6m and at the same maximum ridge height of approximately 8.7m. The proposed extension would be substantial however it would remain subservient in size to the existing building footprint and its height and overall mass. Furthermore it would be glimpsed from the public realm in Beechwood Drive along the side of the property and would not be dominant within the street scene in this respect. It would not project any further to the side than the existing western side flank wall and consequently would remain approximately 2.4m from the western side boundary thereby maintaining the existing side space and the high spatial standards of this part of Beechwood Drive and the wider locality. The proposed design would be in keeping with the design of this existing part of the building, as would be proposed external materials which could be managed by planning condition in any event as necessary.

The proposed outbuilding would also be substantial in footprint however it would be single storey in height and it would similarly remain subservient in size to the existing and/or the enlarged dwelling. It would be positioned close to the south and western boundaries however it would not be visually prominent either from within the street scene in Beechwood. It would not be visible from other public vantage points however nonetheless it would not appear unduly prominent or out of keeping from other neighbouring properties. The outbuilding would be an ancillary feature to the dwelling. It is not shown to include any habitable accommodation and indeed this may be resisted. Notwithstanding this it is

possible that further outbuilding(s) could potentially be constructed under Class E of the GPDO which may result in an overdevelopment of the site and as such it would be prudent in this instance to restrict the opportunity to do so and this could be managed by planning condition.

The proposed works would not have a directly harmful impact on trees and vegetation within the application site itself; furthermore as they would not have a significant impact on the street scene or public realm it would not be necessary in this instance to require additional planting, although this would not be discouraged. The proposal, particularly the outbuilding may have an impact on trees and vegetation in neighbouring properties, some of which to the immediate south in Brockdene Drive are protected by a Tree Preservation Order. The Council would not encourage the pruning of any overhanging tree roots or branches however common law rights to do so do exist; including for protected trees. Nonetheless there are less intrusive foundation methods such as piled and raft foundations than a traditional strip foundation which could be used in order to minimise the impact on tree roots. Given that the outbuilding would not include habitable accommodation its use would be unlikely to lead to future pressure to prune or fell the trees by reason of excessive shading or perceived fear of branches or trees falling which may reduce the public amenity value of the trees.

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

Standard of accommodation and 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 size and scale of the proposed rear extension; in particular its height and rearward projection is noted. However, as mentioned above, the proposal would be separated from the western boundary by approximately 2.5m. it would be separated from the closest part of the neighbouring property No. 9, which comprises its detached double garage, by approximately 4m and it would be separated from the neighbouring dwelling itself by over 10m. On this basis the proposed extension would be well removed from the habitable part(s) of the closest neighbouring dwelling No. 9 and in connection with its scale, height, bulk and the steeply raked roof pitch it would not have an overbearing effect on its outlook. Furthermore, given this separation and the orientation and layout of the site the proposal would not result in significantly more harmful additional overshadowing. The main outlook from the proposed extension would continue to be to the rear (south) where any additional overlooking would not be significantly more harmful over and above that which may already occur. It is proposed to insert two upper floor west facing dormer windows; one in the existing side flank roof slope and one in the west facing side flank of the proposed rear extension.

According to the revised drawing numbered 03-10-18_02PE Rev C the proposal would accommodate two dormer windows in the west flank elevation both serving new en-suite bathrooms and therefore the main outlook of the upper floor rooms would continue to be to the front and rear (north and south). There would also be an east and a west flank upper floor roof light window. According to site visit observations there are no upper floor east facing windows in the directly opposite flank elevation at No. 9. The proposed west facing dormer windows and roof light window to the upper floor bedrooms would be positioned directly alongside No. 9 and given that they would serve the en-suite bathrooms they could

be fitted with obscure glazing and restricted opening in order to preserve neighbouring privacy amenities. The east facing roof light window would serve a habitable bedroom however it would be a secondary window to the existing rear facing window and as such it could also be fitted with obscure glazing and restricted opening in order to preserve neighbouring privacy amenities without detracting from the living conditions of the occupiers therein.

The proposed garden room would be visible from neighbouring properties and it is acknowledged that it would have an effect on the amenities of neighbouring occupiers, however the key issue is the degree of the effect and whether the effect would be significantly harmful. Furthermore, in this regard the effect on outlook is a relevant planning matter however it is not possible to protect views. The proposed garden room would be separated from the closest neighbouring building by approximately 25m and the degree of separation coupled with the height of the proposed building and the presence of trees and vegetation; which would soften its appearance but should not be relied upon to justify its acceptability, it would not have a significantly harmful impact on outlook by reason of overbearing effect. Furthermore, due to its position, height and the orientation of the corresponding plots and trajectory of the sun-path it would not have a significantly adverse additional impact on overshadowing to neighbouring properties or their gardens.

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. Subject to the imposition conditions regarding the insertion of additional windows and the use of obscure glazing to the proposed side flank en-suite bathroom window it is not considered that an unacceptable loss of privacy to neighbouring dwellings would arise.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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.

According to the submitted plans the proposal would add approximately two additional bedrooms thereby potentially increasing the size of the household and the number of occupants in the dwelling and therefore potentially the number of vehicles serving it. Nonetheless, there is an existing double garage and space on the forecourt for parking domestic vehicles, which would be retained, in accordance with the Council's parking standard and as such the proposal would not appear to result in additional on-street parking or other effect harmful to highway safety or inconvenience to other highway users.

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 BE GRANTED

Subject to the recommended conditions:

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 of the 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 the interests of visual and residential amenity and in order to comply with Policy BE1 of the Unitary Development Plan.
- 3** 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 the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy BE1 of the Unitary Development Plan.
- 4** No windows or doors shall at any time be inserted in the upper floor east and west facing elevations and roof slopes of the extension hereby permitted, apart from those granted as part of this permission, without the prior approval in writing of the Local Planning Authority.
REASON: In the interest of the amenities of the adjacent properties and in order to comply with Policies H8 and BE1 of the Unitary Development Plan.
- 5** The roof light and dormer windows in the upper floor east and west facing roof slopes hereby permitted shall be obscure glazed and non-opening unless the part(s) 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 permanently retained as such thereafter, without the prior approval in writing of the Local Planning Authority.

REASON: In the interest of the amenities of the adjacent properties and in order to comply with Policies H8 and BE1 of the Unitary Development Plan.

- 6** The single storey detached building hereby permitted shall only be used for purposes incidental to the residential use of the main house and for no other purpose.

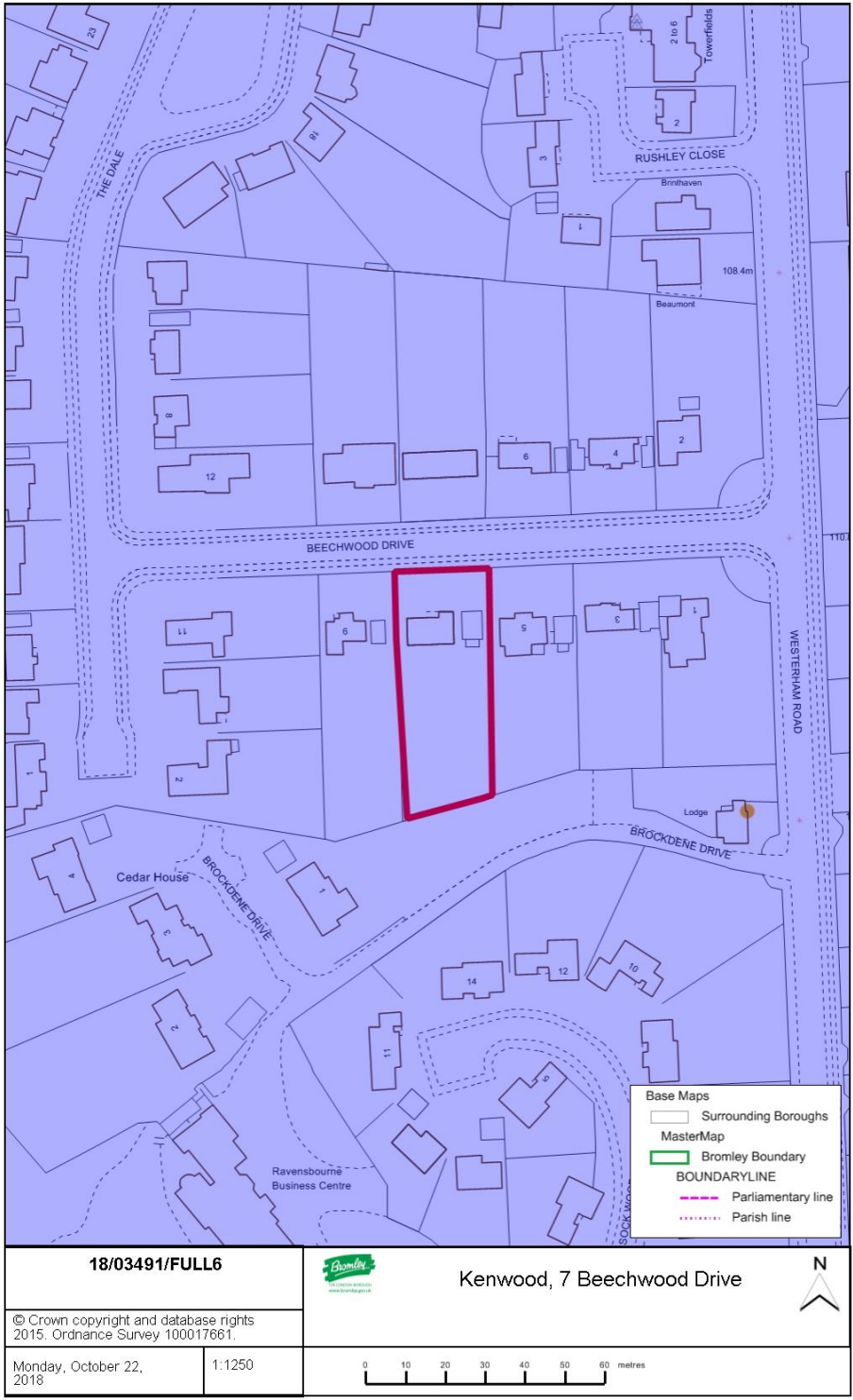
REASON: In the interests of the residential amenities of the area and in order to comply with Policies BE1 of the Unitary Development Plan.

- 7** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class E of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage of the dwelling without the prior approval in writing of the Local Planning Authority.

REASON: To prevent the overdevelopment of the site and in order to comply with Policies H7 and BE1 of the Unitary Development Plan.

You are further informed that:



- 1** The Applicant is reminded of their requirements and responsibilities according to The Party Wall etc. Act 1996. Further details can be found at the following address:
https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/16



18/03491/FULL6

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Monday, October 22,
2018

 **Kenwood, 7 Beechwood Drive** 

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

Application No : 18/03524/RECON

Ward:
Bromley Town

Address : 7 Beckenham Lane, Bromley BR2 0DA **Objections YES**

OS Grid Ref: E: 539798 N: 169404

Applicant : Whitgift Estates (Bromley) Ltd

Description of Development:

Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 16/00722/FULL1 (Approved at Appeal) for demolition of existing building and construction of replacement two storey building with additional accommodation within roof space comprising 8 residential flats (4x2 bedroom and 4x1 bedroom), bin store, cycle store, 10 car parking spaces, alterations to existing vehicular/pedestrian access onto Beckenham Lane, front boundary and associated landscaping at Nos 7-9 Beckenham Lane to vary condition 2 (approved plans) to add second floor balconies to Flats 7 and 8 comprising increased rear dormer width and patio style access doors

Key designations:

Conservation Area: Bromley Town Centre
Biggin Hill Safeguarding Area
Bromley Town Centre Area Buffer 200m
London City Airport Safeguarding
Smoke Control SCA 3
Urban Open Space

Proposal

Planning permission is sought for a Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 16/00722/FULL1 (Approved at Appeal) for demolition of existing building and construction of replacement two storey building with additional accommodation within roof space comprising 8 residential flats (4x2 bedroom and 4x1 bedroom), bin store, cycle store, 10 car parking spaces, alterations to existing vehicular/pedestrian access onto Beckenham Lane, front boundary and associated landscaping at Nos 7-9 Beckenham Lane to vary condition 2 (approved plans) to add second floor balconies to Flats 7 and 8 comprising increased rear dormer width and patio style access doors.

The balconies are approximately 1.6m depth and 3.5m wide. 1.8m high privacy screens in obscure glass are indicated to the sides of the balconies.

The application was supported by the following documents:

- Cover letter statement.

Location and Key Constraints

The site is located on the south side of Beckenham Lane and currently comprises a pair of two storey semi-detached dwellings, one of which has been extended at its first floor side.

The application site falls within the Bromley Town Centre Conservation Area. Pixfield Court, to the west of the application site is a statutory listed building (Grade II) divided into flats. Glebe Knoll, to the east is a locally listed building with a new flatted development in its grounds to the rear.

Beckenham Lane slopes upwards from west to east putting the application site at a higher level than Pixfield Court and lower level than Glebe Knoll. The surrounding area contains mainly residential development and a primary school.

The current building on the application site is situated prominently further forward than Pixfield Court and Glebe Knoll. Beyond Pixfield Court is a modern terrace of houses.

The site includes extensive external amenity space at the rear which is mainly laid to lawn and densely overgrown in some places with a considerable number of trees mostly located around the perimeter of the site. There are two existing vehicular accesses from Beckenham Lane.

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

- Concerns regarding impact of noise from users of the balconies on Pixfield Court residents.
- Concerns that plans can be amended after planning granted.
- Building company causing negative effect on historic building.
- Balconies will look down on Pixfield Court residents.

Local Groups

- Bromley Civic Society has commented that the proposed projecting balconies would allow direct rather than angled viewing towards Pixfield Court and would be unacceptable for that reason and concerns that the balconies would introduce an alien architectural element and overlooking. They opine that the proposal would cause harm to the setting of listed and locally listed buildings and harm to the character and appearance of the conservation area.

Comments from Consultees

Conservation Officer:

The alteration is very minor and there would be no negative impact on the setting of the listed building or the character and appearance of the CA. The proposal therefore accords with BE11 and BE8.

APCA:

The proposals do not reflect the character of the area and setting of adjacent listed and locally listed buildings. It alters the character of the permitted development which has been through a succession of refusals and appeals before arriving at the permitted scheme.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE8 Statutory Listed Buildings
- BE10 Locally Listed Buildings

- BE11 Conservation Areas
- BE12 Demolition in Conservation Areas
- BE14 Trees in Conservation Areas
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T18 Road Safety

Emerging Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General Design of Development
- 38 Statutory Listed Buildings
- 39 Locally Listed Buildings
- 41 Conservation Areas
- 43 Trees in Conservation Areas
- 73 Development and Trees
- 77 Landscape Quality and Character
- 112 Planning for Sustainable Waste management
- 113 Waste Management in New Development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- SPG: Bromley Town Centre Conservation Area.
- Housing: Supplementary Planning Guidance. (March 2016)
- Technical housing standards - Nationally Described Space Standard (March 2015)

Planning History

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

87/02304/FUL: First floor side extension. Approved 09.09.1987.

03/02890/OUT: Demolition of existing dwellings and erection of a three/four storey block comprising 11 two bedroom and 1 three bedroom flats, with new vehicular access and 11 car parking spaces at 7 and 9 Beckenham Lane OUTLINE. Refused 19.02.2004

04/02078/OUT: Demolition of existing dwellings and erection of a two/three storey building at front comprising 7 two bedroom flats and a three storey building at rear comprising 3 two bedroom flats, with new vehicular access and 14 car parking spaces at 7 & 9 Beckenham Lane (OUTLINE). Refused 12.08.2004.

04/04718/FULL1: Demolition of existing dwellings and erection of a two/three/four storey building comprising 9 two bedroom and 1 three bedroom flats with vehicular access and 12 car parking spaces at 7 & 9 Beckenham Lane. Refused 03.02.2005

14/02967/FULL1: Demolition of existing building and replacement three storey building comprising 9 residential flats (3x2 bedroom and 6x3 bedroom), bin store, cycle store, 13 car parking spaces with alterations to existing vehicular/pedestrian access onto Beckenham Lane and front boundary wall max height 2 metres at Nos. 7-9 Beckenham Lane. Refused 29.01.2015

15/03982/FULL1: Demolition of existing building and construction of replacement two storey building with additional accommodation within roof space comprising 9 residential flats (7x2 bedroom and 2x3 bedroom), bin store, cycle store, 13 car parking spaces, alterations to existing vehicular/pedestrian access onto Beckenham Lane, front boundary and associated landscaping at Nos 7-9 Beckenham Lane. Refused 23.12.2015

16/00722/FULL1: Demolition of existing building and construction of replacement two storey building with additional accommodation within roof space comprising 8 residential flats (4x2 bedroom and 4x1 bedroom), bin store, cycle store, 10 car parking spaces, alterations to existing vehicular/pedestrian access onto Beckenham Lane, front boundary and associated landscaping at Nos 7-9 Beckenham Lane. Refused 16.05.2016.

The application was subsequently allowed at Appeal on 9/11/2018.

The Planning Inspector commented as follows regarding impacts to Pixfield Court in terms of overlooking:

"The side elevations of both proposals would contain some windows but those windows would be some distance away from the windows in Pixfield Court and at an oblique angle to them. The rear facing windows in both proposals would also be

positioned at an angle to Pixfield Court. For these reasons there would be no unacceptable overlooking or loss of privacy to the adjacent occupants."

Considerations

The main issues to be considered in respect of the alterations to the extant scheme are the altered design of the proposed property in relation to the addition of the second floor balconies located on the rear elevation of the building in terms of character and appearance, and the effect to the setting of adjacent locally listed and listed buildings and also the impact that the alterations would have on the amenities of the sites future occupants and neighbouring property.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should

provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy BE11 states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development within a conservation area will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

Policy BE8 details that applications for development involving the setting of a listed will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting.

The extant scheme, as allowed at Appeal, was deemed to not adversely affect the setting of the listed building at Pixfield Court. It was also upheld that the scheme would preserve the character and appearance of the conservation area.

The alterations now proposed are located to the rear of the property away from streetscene views. In terms of the dormers, the additions are in keeping with the design of the building as approved. The extra scale of the widened dormers will remain subservient within the rear roof slope maintaining the overall scale and massing of the building to the rear. On balance the widened dormers are not considered to be bulky or over dominant additions and are complimentary to the architectural style of the proposed building.

The introduction of external balconies to flats 7 and 8 along with the addition of full height windows are also in a similar design to the building as approved. The balconies are shown with obscure glazed privacy screening reflecting the design of the lower parts of the building. On balance it is considered that the balconies at second floor level will not harm the overall appearance of the building which will remain a high quality design.

Therefore, with regards to the above it is not considered that the additions proposed to the extant scheme would adversely affect the setting of the listed and locally buildings adjacent or the character and appearance of the conservation area.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building

Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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 Technical 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. The standard of accommodation provided in the flats throughout the building will remain at an acceptable standard as approved.

Amenity space will be improved for flats 7 and 8 via the addition of the proposed private balconies which is welcomed.

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.

It is noted that concern has been raised in terms of overlooking and potential noise disturbance from residents in the adjacent Pixfield Court. This is largely due to the ground level changes between the two sites whereby the application site is higher in relation to Pixfield Court and residents have opined that they will be overlooked. However, the conclusions of the Planning Inspector as detailed in the above planning history section are a material consideration. Furthermore, a distance of approximately 17.5m will remain from the closest balcony to the corner of the building at Pixfield Court. 1.8m high privacy screening will also be located on the sides of the proposed balconies directing outlook to the rear of the property as opposed to an oblique angle towards Pixfield Court. A good level of tree cover will also remain on the boundary to Pixfield Court.

Given these factors, the alterations in respect of the introduction of the second floor balconies and high level windows are considered to maintain a suitable level of privacy at the intended distances to existing neighbouring property and would not warrant refusal on this basis.

In terms of noise disturbance, the occasional use of the balconies in good weather which is common place in an urban environment at a separation distance of at least 17.5m to Pixfield Court is not considered a significant source of noise disturbance that would warrant refusal of this application on this basis.

Conclusion

Having had regard to the above it was considered that the alteration to the design and the additions to the proposed building are acceptable in that they would not result in a significant loss of amenity to neighbouring residents or impact detrimentally on the character of the conservation area, or the setting of adjacent listed and locally listed buildings.

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 no later than 8th November 2019.**

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 10 Rev A, 11, 12, 13 Rev A, 14 Rev A, 15, 16, 17 Rev A, 18 Rev A, 19 Rev A, 20 and 4368-PD-204.**

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

- 3 All external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods shall be implemented according to the approved details as set out in the approved application forms and drawings under Ref 16/00722/CONDT1 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.

- 4 All 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 implemented according to the approved details as set out in the approved**

application forms and drawings under Ref 16/00722/CONDT1 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.

- 5** The scheme of landscaping shall be implemented according to the approved details as set out in the application form and drawings under Ref 16/00722/CONDIT unless otherwise agreed in writing by the Local Planning Authority and 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.

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

- 6** Boundary enclosures shall be implemented according to the approved details as set out in the approved application forms and drawings under Ref 16/00722/CONDIT unless otherwise agreed in writing by the Local Planning Authority. The approved means of enclosure shall be provided before the building is occupied and shall thereafter be retained.

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

- 7** The surface water drainage scheme shall be implemented according to the approved details as set out in the application form and drawings under Ref 16/00722/CONDT2 and shall be permanently maintained thereafter.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policy 5.13 of the London Plan.

- 8** The Construction Management Plan shall be implemented according to the approved details as set out in the application form and drawings under Ref 16/00722/CONDIT unless otherwise agreed in writing by the Local Planning Authority. 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.

- 9** The car parking and turning areas shall be provided in accordance with the approved plans before the building is occupied and shall thereafter be retained for those purposes.

Reason: In order to comply with Policies T3 and T18 of the Unitary Development Plan and to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety.

- 10** Covered bicycle parking facilities shall be implemented according to the approved details as set out in the application form and drawings under Ref 16/00722/CONDIT unless otherwise agreed in writing by the Local Planning Authority. The approved facilities shall be provided before the building is occupied and shall thereafter be retained.

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.

- 11** The lighting for the access drive and car parking areas shall be implemented according to the approved details as set out in the application form and drawings under Ref 16/00722/CONDIT unless otherwise agreed in writing by the Local Planning Authority. The approved facilities shall be provided before the building is occupied and shall thereafter be retained.

Reason: 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.

- 12** The existing means of access which is to be closed shall be permanently closed in accordance with the details approved under condition 6 before the building is occupied.

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

- 13** The arrangements for storage of refuse (including provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be implemented according to the approved details as set out in the application form and drawings under Ref 16/00722/CONDIT unless otherwise agreed in writing by the Local Planning Authority. The approved facilities shall be provided before the building is occupied and shall thereafter be retained.

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 residential and visual amenity aspects.

- 14** The development shall be carried out in accordance with the Arboricultural Survey and Planning Integration Report Ref AR/3210b/jq under the supervision of an Arboricultural specialist.

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 and BE14 of the Unitary Development Plan and Policy 7.21 of the London Plan

- 15 The amenity/landscaped gardens shall be provided in accordance with the approved plans and thereafter retained for use by the occupants of the residential units hereby permitted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of recreational amenity for future residential occupiers.

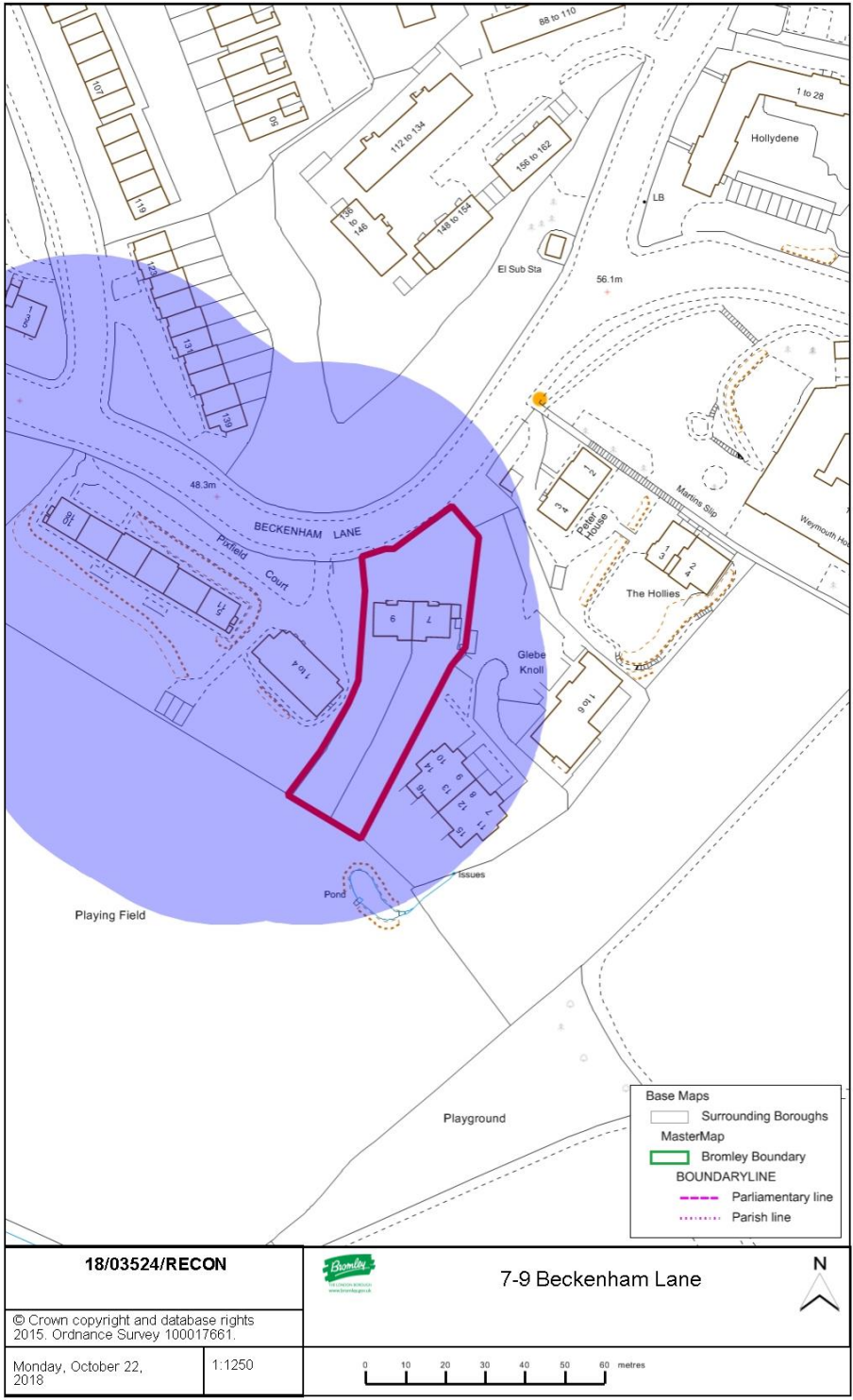
- 16 Electric car charging points shall be implemented according to the approved details as set out in the application form and drawings under Ref 16/00722/CONDIT unless otherwise agreed in writing by the Local Planning Authority. The approved facilities shall be provided before the building is occupied and shall thereafter be retained.

Reason: On order to encourage sustainable modes of transport in accordance with Policy 6.13 of the London Plan

You are further informed that:

- 1 You should consult the Street Naming and 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
- 2 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
- 3 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 4 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.


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18/03524/RECON

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2015. Ordnance Survey 100017661.

Monday, October 22,
2018

 **7-9 Beckenham Lane**

0 10 20 30 40 50 60 metres

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

Application No : 18/03709/FULL6

Ward:
Hayes And Coney Hall

Address : 26 Mead Way, Hayes, Bromley BR2 9EW **Objections YES**

OS Grid Ref: E: 540296 N: 167421

Applicant : Mrs Jayne Rayment

Description of Development:

Part one/two storey rear and side extensions and loft conversion with rear and front dormers.

Key designations:

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

Proposal

The application seeks permission for a part one/two storey rear and side extensions and loft conversion with rear and front dormers. The existing garage sited to the rear of the dwelling would also be demolished.

The proposed development would incorporate a two storey side extension of approx. 1.8m in width that would match the depth of the existing dwelling. The extension would include a dormer within its front roof slope, and a further dormer would be added within the existing front catslide roof element. The single storey rear extension project a maximum of 8m beyond the rear of the property, though it would be staggered in its depth, and would have a depth of 3m along the shared boundary with No.28.

The proposal also includes the conversion of the loft to form habitable space, including the addition of two rear dormers, and the infill of the existing porch canopy.

Location and Key Constraints

The application site hosts a two storey semi-detached dwelling located on the northern side of Mead Way. The site falls partially within Flood Zone 3.

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

- o Would lead to overlooking to existing properties / loss of privacy.
- o Not in keeping with the area (in terms of scale and extent of garden that would be used up).
- o Not acceptable to extend this far into the garden.
- o Loss of outlook.
- o Application form states there are no trees within falling distance - though there are several and it is not clear if they would need to be pruned or removed.
- o Concerns that the bedrooms could be let out on an individual basis, whilst houses in the vicinity are family homes.
- o Increased parking congestion in the area.
- o Still apparently appears that there is lack of side space which was one of the reasons for refusal.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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
T3 Parking
BE1 Design of new development

Draft Local Plan

6 Residential Extensions
8 Side Space
30 Parking
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

- o 08/01720/FULL6 - Two storey front and part one/two storey side and rear extensions - Refused 28.10.2008
- o 18/01945/FULL6 - Part one/two storey rear and side extension and loft conversion with rear dormers - Refused 09.07.2018

Considerations

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

- o Resubmission
- o Design
- o Highways
- o Neighbouring amenity
- o CIL

Resubmission

The application is a resubmission following the refusal of ref: 18/01945/FULL6 on the following grounds;

1. The proposed extension would result in the loss of the front catslide roof, unbalance the pair of semi-detached dwellings and would lack adequate side space, causing significant harm to the character and appearance of the street scene, contrary to Policies BE1, H8 and H9 of the Unitary Development Plan and Policies 6, 8 and 37 of the Draft Local Plan.
2. The proposed extension is considered excessive in its rearward projection, resulting in an overdevelopment of the site, out of character and scale with the surrounding area and harmful to the visual amenities of neighbouring residents, contrary to Policy H8 and BE1 of the Unitary Development Plan and Policies 6 and 37 of the Draft Local Plan.

The current application seeks to overcome the previous refusal grounds by reducing the depth of the single storey rear extension by approx. 2.3m, and altering the design of the extension to retain the catslide roof to the front.

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 would have a maximum depth of approx. 17.3m, to include an 8m single storey element which projects beyond the rear of the existing dwelling. The extension would be staggered so that it would not project this depth for its full width, and it would not project beyond the rear of the existing garage, which would be demolished to facilitate the extension.

Concerns were raised within the previous application with regards to the depth and footprint of the extension, particularly given its projection to the rear of the existing garage. The scale of the first floor element of the extension is considered modest, and the depth of the single storey rear element has been reduced approx. 2.3m from the previous application. Whilst the extension would be large in its maximum depth, it would not project this depth for its entire width and would not project beyond the rear of the existing garage. As such, the additional footprint to the property is not considered excessive and on balance it is considered the extension has been reduced sufficiently to overcome the previous concerns in that it would not result in significant harm to the character of the area. A condition is however recommended to remove permitted development rights in order to preclude further additions to the site and prevent an overdevelopment of the site.

With regards to the streetscene, the properties within this part of Mead Way are characterised by hipped roof profiles which feature a cat slide roof element at first floor level to the front of the properties. The current application retains the cat slide roof element to the front of the property, which would appear more in keeping with

the character of the area and prevent the pair of semi-detached dwellings appearing significantly unbalanced in their appearance. The application also includes two front dormers within the catslide roof. These dormers would be modest in their scale, and would appear similar in design and appearance to a number of other properties in the area which benefit from dormers within the catslide roofs to the front. It is therefore considered that the current application has overcome the previous concerns with regards to its design and appearance within the street, and would not result in a detrimental impact upon the character of the area or streetscene in general.

The proposed two storey extension element is considered modest in its width, and would provide a minimum side space of 0.9m, increasing to approx. 1.2m to the rear of the two storey element. Policy H9 normally requires a minimum side space of 1m to be provided to the flank boundary of the site for the full length and height of the development. The property adjoins the rear gardens of dwellings on Bourne Vale and there would be a significant separation distance between the extension and rear of these properties when viewed from the streetscene and therefore it is not considered unrelated terracing would occur.

Concerns had been raised within the previous application with regards to the extension appearing cramped within its plot. The current application has altered the design of the front which has reduced its bulk and lessened the appearance of a cramped development. Given the proposed design and the significant distance to neighbour properties facing onto Bourne Vale, it is considered on balance that the proposed development would not result in such significant harm to the spatial standards of the area as to warrant a refusal of the application on these grounds.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension(s) 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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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 includes the demolition of the existing garage and would therefore result in the loss of one parking space given that a garage would not be included within the proposed extensions. There are spaces available within the site's curtilage which would be utilised for parking, and on balance given the scale of the development no objections are raised from a highways perspective.

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 extension would project 3m in depth along the shared boundary with No.28, before stepping away from the boundary by 3.4m before projecting to a depth of 6m, with its maximum projection of 8m set 4.2m from the boundary. The depth of 3m along the boundary is not considered excessive, and whilst the depth would then increase significantly its impact would be mitigated given the siting from the boundary and the modest eaves height of approx. 2.6m. The two storey element would not be visible from this neighbour, and on balance given the separation distance of the rear part of the extension from the boundary and the orientation of the site it is not considered any impact by way of loss of light or outlook would be sufficient to warrant a refusal on these grounds.

With regards to the impact on the neighbouring properties which face onto Bourne Vale, the extension would result in the main dwelling projecting closer to the shared boundary at two storey level. The extension would infill the gap between the existing property and existing garage which would increase its continuous projection along the rear boundaries of these properties. The proposed two storey side extension is considered modest in its width, and the single storey rear element has been reduced 2.3m from the previous application so that it would not project beyond the rear of the existing garage. There would be a separation distance of between 0.9m - 1.3m to the flank boundary from the extension, and approx. 19m from the rear of properties facing Bourne Vale, which would mitigate its impact. Given this separation distance and that the extension would not project beyond the rear of the existing garage, it is considered on balance that the development would not result in such significant harm to the visual amenities of the neighbouring residents that it would warrant a refusal on these grounds.

The proposed rear dormers would introduce windows at second floor level, however it is not considered these would result in any significant opportunities for overlooking above that which already exist from first floor level. It is noted concerns have been raised regarding overlooking from the windows of the proposed extensions. The first floor windows serve an en-suite w/c and landing and would be conditioned to prevent any overlooking to the rear of these neighbours. The windows at ground floor level would serve a variety of different rooms though views towards neighbouring properties would be mitigated by the existing boundary fence and vegetation. Given the existing boundary treatments and separation between

the properties it is considered the ground floor windows would not result in any significant opportunities for overlooking towards these neighbours,

Other representations have raised concerns regarding the impact on the existing large tree sited behind the garage. The extension would not project beyond the existing garage, and whilst no information has been submitted regarding the removal of the existing tree, it is noted that it is not covered by a tree protection order (TPO). Other concerns have been raised stating that the bedrooms could be let out individually in the future, however this does not form part of the application. Whilst these concerns are noted, the application must be assessed based on the individual merits of the submitted information which does not include the sub-division or change of use to a HMO.

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.

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.

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** 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.

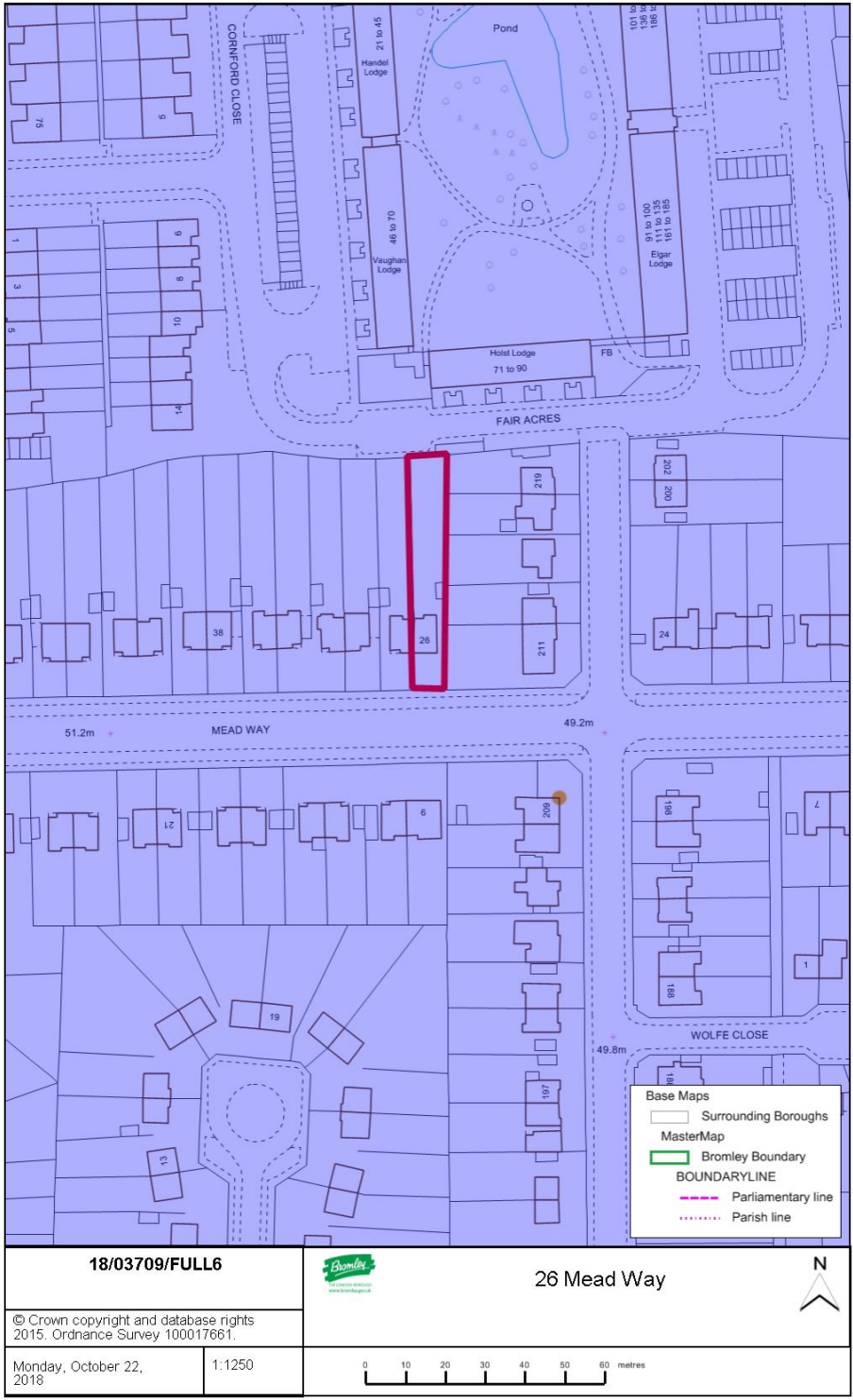
Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the UDP.




- 5** Before the development hereby permitted is first occupied the proposed window(s) in the first floor 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

- 6** No windows or doors shall at any time be inserted in the first floor flank elevation(s) of the development 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.



18/03709/FULL6		 26 Mead Way		
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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/03886/FULL6

Ward:
Shortlands

Address : 112 Shortlands Road, Shortlands,
Bromley BR2 0JP

Objections: Yes

OS Grid Ref: E: 538705 N: 168628

Applicant : Mr Andrew Mowat

Description of Development:

Two storey side extension incorporating Juliet balcony to first floor and single storey rear/side extension

Key designations:

Conservation Area: Shortlands
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 21

Proposal

Planning permission is sought for the construction of a part one/two storey extension to the host cottage.

The submission seeks to overcome the grounds for refusal of planning permission under reference 18/00161/FULL6.

The existing lean-to kitchen would be demolished and replaced by a two storey side extension which would be positioned at the end of the existing cottage. The two storey extension would incorporate a dual pitched roof, the ridgeline of which would be perpendicular to that of the main host dwelling, being set at a right angle to the front elevation and projecting forwards of the focal front elevation.

The single storey element would be positioned adjacent to the north western boundary of the site and would be for the full length of that boundary. The rear wall of the single storey extension would lie immediately adjacent to the boundary and would replace the existing timber boundary fence with a solid brick boundary wall.

The building would be constructed with facing black timber cladding in a Kentish barn style with a black standing seam metal roof. The boundary wall would be of red brick.

The applicant has submitted a daylight study (winter and summer equinoxes), Design and Access Statement and an analysis of the impact of the proposals on neighbouring amenity.

Location and Key Constraints

The application site is located on the west side of Shortlands Road and is occupied by two buildings. The main house (No. 114) was constructed in 1868 and sits back from the main road and has a single access and gravelled driveway leading directly from the road with parking in front of the building. The second building, known as the Coach House (No.112), sits further forward on the plot and closer to the road. It has a separate access from the road and is physically joined to the main house by a flat roofed structure. The main house (114) is a Grade II Listed Building and comprises 7 flats. It is understood that No. 112 may originally have been a stable wing which was a later addition to the main listed building.

The application site borders several properties fronting Shortlands Road, Waldron Gardens and Scotts Lane. To the north of the site is a single storey building used as a local library. The site is within the Shortlands Road Conservation Area which was designated in 1989.

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 proposal with block out light to neighbouring property.

Comments from Consultees

APCA: No objections in principle although the massing of the extension could be improved by a slight gap between the two.

Conservation Officer: the applicant has made a significant reduction in the bulk of the proposed extension by shortening the forward projection and lowering the ridge height. The single storey element would have very limited impact on the CA when viewed from Shortlands Road. The proposed design has a traditional form but using contemporary materials. A contrast in materials can create visual interest when used on an extension that is suitably subservient scale.

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.

The National Planning Policy Framework was published on 24th July 2018.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

BE8 Statutory listed buildings

BE11 Conservation areas

BE14 Trees in conservation areas

Draft Local Plan

6 Residential Extensions

8 Side Space

37 General Design of Development

38 Statutory Listed Buildings

41 Conservation Areas

43 Trees in Conservation Areas

73 Development and Trees

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Supplementary Planning Guidance for the Shortlands Conservation Area.

Planning History

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

08/00603/FULL1 Elevational alterations and conversion of 114 to provide a total of 5 flats and 8 car parking spaces including detached annexe and erection of 2 semi-detached four bedroom houses with associated parking and access drive at rear. Demolition of 112 and replacement detached four bedroom dwelling plus associated car parking. REFUSED

08/00641/LBC Demolition of 112 Shortlands Road. Single storey and first floor extensions. Elevational alterations including partial demolition of existing extensions. Interior alterations to provide 5 flats including 1 in detached annex LISTED BUILDING CONSENT REFUSED

09/00036/FULL1 Elevational alterations and conversion of 114 to provide a total of 5 flats and 8 car parking spaces with a detached annexe containing a two bedroom flat and erection of one detached five bedroom house with associated parking and access drive at rear. Demolition of 112 and replacement detached four bedroom dwelling plus associated car parking REFUSED AND APPEAL DISMISSED

In dismissing the appeal the Inspector noted that the main impact of the development as seen from the public domain would have been the new 4 bedroom dwelling which was proposed to replace No. 112. It was noted that the new dwelling would include design detailing similar to the adjacent listed building and although it was more bulky and further forward than the existing building at No. 112 it was considered to enhance the character and appearance of the conservation area because of its design quality. The new dwelling at the rear (5 bedroom) was in contrast considered to be detrimental to the character and appearance of area, undermining the spatial characteristics of the site and appearing cramped. IN terms of the impact of the new dwelling/demolition of No. 112 on the setting of the listed building it was considered that the new dwelling at 112 would not have an unacceptable impact.

09/00104/LBC LISTED BUILDING CONSENT REFUSED AND APPEAL DISMISSED

10/02132/LBC Demolition of 112 Shortlands Road. Single storey and first floor extensions. Elevational alterations including partial demolition of existing extensions. Interior alterations to provide 5 flats and one detached one bedroom annex flat. LISTED BUILDING CONSENT REFUSED

10/02750/FULL1 Elevational alterations and conversion of 114 to provide a total of 5 flats with a detached annexe containing a one bedroom flat and demolition of 112 and replacement detached four bedroom dwelling plus associated car parking.

PERMISSION

10/02750/AMD AMENDMENT: to amend description of development to reflect the approved plans in relation to detached annexe. Description to read:

'Elevational alterations and conversion of 114 to provide a total of 5 flats with a detached annexe containing a two bedroom flat and demolition of 112 and replacement detached four bedroom dwelling plus associated car parking'

APPROVED

17/04053/FULL1 Single storey rear extension, replacement porch, erection of pergola to side and internal alterations (Flat 2 at 114).

PERMISSION

18/00161/FULL6 Demolish lean-to kitchen and replace with two storey side extension and single storey rear storage and utility room.

REFUSED

1 The proposal, by reason of its scale, siting in relation to the host dwelling and materials would appear incongruous and out of character with the host dwelling, detrimental to the visual amenities of the area and the character and appearance of the Conservation Area and harmful to the appearance of the host dwelling, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policies 37 and 41 of the draft Local Plan, Policies 7.4, 7.6 and 7.8 of the London Plan. Supplementary Planning Guidance 2 (Residential Design Guidance) and the SPG for the Shortlands Road Conservation Area.

2. The proposal by reason of the scale, siting and orientation of the development would have a detrimental impact on the amenities of the adjoining properties by reason of overbearing visual impact and overshadowing in view of the size, height and depth of the extensions and their relation to the boundary of the site, thereby contrary to Policy BE1 of the Unitary Development Plan, Policy 37 of the draft Local Plan and Policy 7.6 of the London Plan.

Considerations

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

- Resubmission
- Design
- Heritage Impact
- Neighbouring Amenity

Resubmission

The application has been submitted in an attempt to address the grounds for refusal of permission under reference 18/00161/FULL6.

The current proposals differ from the previous scheme in the following:

- Reduction in depth of projection in front of main front elevation from 4m to 2.3m (1.5m forwards of the single storey ground floor element as existing).
- Reduction in the ridge height of the proposed two storey extension by 0.3m (ridge height lower than main dwelling).
- Provision of red brick elevation to northern elevation to form boundary with adjacent property rather than black timber cladding as previously proposed.
- Deletion of north facing first floor landing window.

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.

In refusing planning permission it was considered that the scale, siting and appearance of the extension would have competed visually with the host building, with the lack of subservience of the two storey extension and the forward projection of that element being of particular concern. The use of contrasting materials was considered to be acceptable while the proportions and appearance of the extension were considered to compete visually with the host dwelling and the surrounding area.

The current proposal would retain a forward projection beyond the host building, but the depth of this projection has been reduced and the ridge height would be lower than the main building. On balance, it is considered that the amended proposal would have a greater degree of subservience, although it would still project forwards of the main building. The use of contrasting materials would tend to provide a strong visual cue regarding the evolution of development at the site, with the original host dwelling and the proposed extension being readily distinguishable from each other. In assessing the merits of the previous scheme, it was considered notwithstanding this that the combination of the contrasting materials with the bulk and scale of the extension cumulatively resulted in an over dominant and visually intrusive development. While the extension would be large, its orientation relative to the main focal front elevation would also prevent there being significant visual competition between the original and contemporary elements. The dwelling is sited in a somewhat secluded position and it is

considered that this setting in conjunction with the mitigations above would limit the visual impact of the development on the locality in general and the conservation area in particular to a satisfactory degree.

Heritage Impact

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.

Impact on Listed Buildings and their setting:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

On balance it is considered that the reduction in the height and forward projection of the extension addresses the previous concerns regarding the impact of the proposal on the character and appearance of the conservation area in terms of the dominance of the extension relative to the proportions and massing of the host dwelling. The proposal would have a more visible subservience to the host dwelling in terms of its scale and taking into account the reduction in the forward projection of the extension in front of the main dwelling. Where the overall scale and increased forward projection of the proposed extension in the refused scheme was considered in conjunction with the contrasting materials to exacerbate the visual impact and overdominance of the development, the reduction in the scale of the development proposed is considered to result in an extension that complements the scale and appearance of the host dwelling more readily and which has a neutral impact on the character and appearance of the conservation area within which the site is located.

It is noted that the neighbouring building is Listed. In refusing the previous application concern was not expressed regarding the impact of the proposal on the setting or special interest of the neighbouring building, but rather on the impact on the character and appearance of the conservation area and the appearance of the host property. Taking into account the design, scale and materials of development it is not considered that the proposal would have a detrimental impact on the Listed building. If permission is granted

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 second reason for refusal of the application under reference 18/00161/FULL6 referred to the scale, siting and orientation of development and the overbearing visual impact and overshadowing associated with the size, height and depth of the extensions and their relationship with the boundary of the site.

This application attempts to address these concerns by providing a red brick boundary treatment to the boundary with the adjoining residential property rather than the black timber cladding previously proposed. The height of the single storey extension in relation to the boundary is as previously proposed, at 2.55m (0.55m higher than potential permitted development boundary treatment) but the roof treatment is different and the bulk of the extension would be built off the brick boundary wall which would reduce the visual impact of the extension from the neighbouring garden. The first floor flank facing window has been deleted where it faced towards the adjacent garden of No. 114. Where an open courtyard was proposed to be provided at the immediate rear of the property, that would have a glazed roof in the current proposals.

The applicant has provided additional analysis of the impact of the proposal on residential amenity, including daylight/sunlight surveys and an assessment of the impact of the clear roofed dining room in terms of light spillage.

The assessment of the impact of the extensions upon neighbouring amenity, and in particular the adjacent flat(s) to the north-west, is finely balanced. In terms of this relationship, the length of the extension adjacent to the boundary would be significant. However, the height of the extension above a standard boundary treatment would only be in the region of 0.5m higher than that which would be considered permitted development. It is further noted that the covered walkway through the neighbouring building provides some separation, and that the centre of the neighbouring nearest ground floor window is approx. 2m from the boundary wall and has an open aspect to the other side.

While the proposal would still be for the full length of the flank boundary, the relationship between the extension and the neighbouring flat(s) (including the

separation afforded by the covered rear passage), the provision of a walled boundary rather than the fence/wall combination previously proposed, and the additional information provided including daylight studies for the winter and summer solstice is considered on balance to overcome the previous ground for refusal in respect of impact on residential amenity. While the extension would have a visual impact being visible from the neighbouring nearest window, it is not considered on balance that this impact would be so significant as to warrant the refusal of planning permission.

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. Further standards and guidance are set out in the Housing SPG.

CIL

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

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 would preserve the character and appearance of 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.**

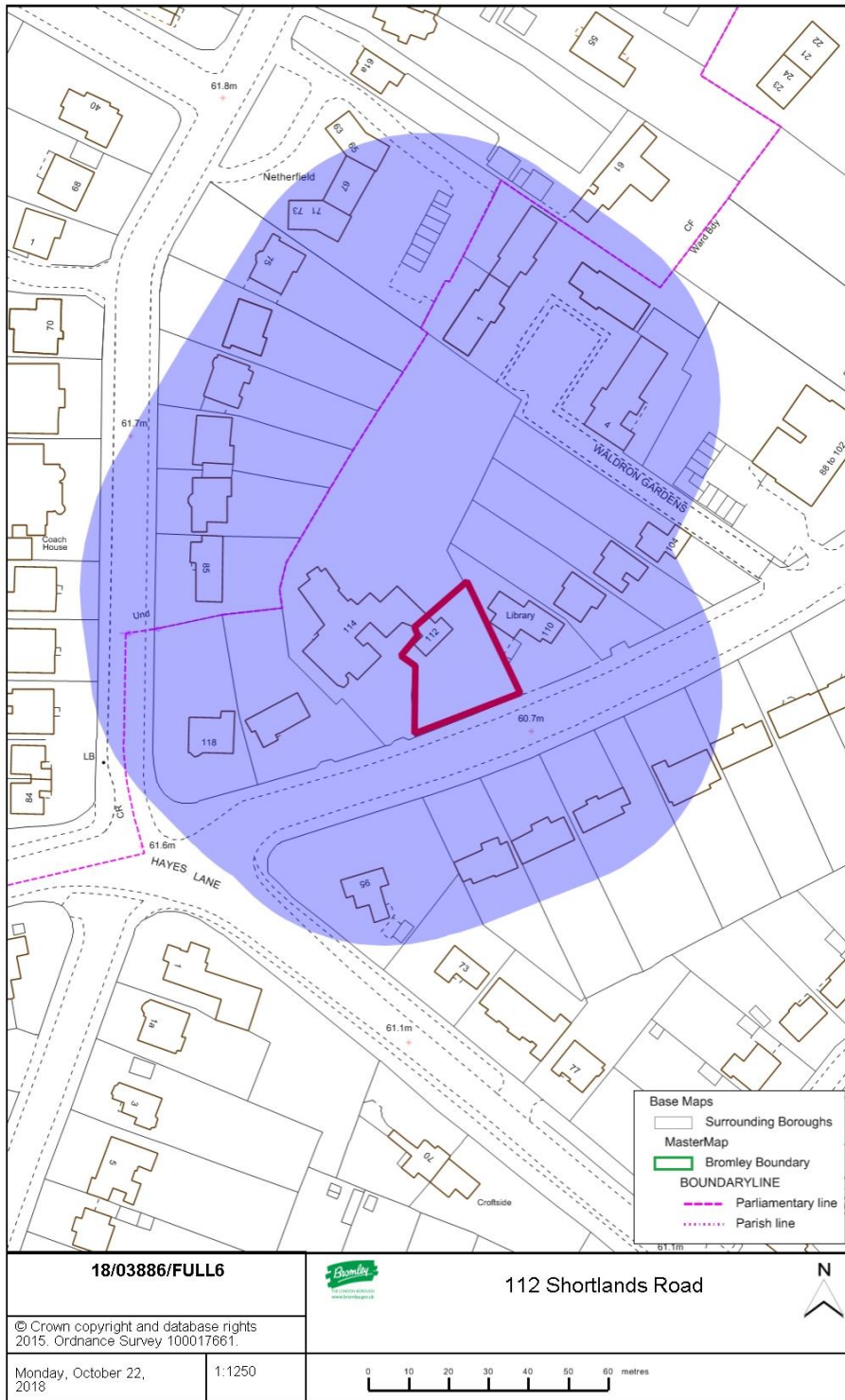
Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 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.



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

Application No : 18/03909/FULL6

Ward:
Bickley

Address : The Coach House, 32B Southborough Road, Bickley, Bromley BR1 2EB

OS Grid Ref: E: 542389 N: 168574

Applicant : Mr Parag Patel

Description of Development:

A single storey front extension, part one/part two storey rear extension, rear dormer extension, elevational alterations including replacement windows and associated external landscaping including new paving, planters and refuse storage and front brick walls with metal entrance gates max height 1.575m high

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12
Smoke Control SCA 13

Proposal

The application proposal involves a one/two storey rear extension and the replacement of the existing detached front garage with a single storey front extension. Elevational alterations include replacement windows and landscaping alterations.

The proposed one/two storey rear extension will have a rear projection of 2.3m and a width of 6.9m at ground floor level and 4.5m at first floor level. The roof will be pitched with a height of 5.2m.

The proposed front extension will have a forward projection of 6.2m and a width of 3.0m. The roof will be pitched with a height of 3.8m.

The proposal includes replacement front boundary wall and gates with a maximum height of 1.5m.

The submission was supported by the following documents:

- Design and Access Statement

Location and Key Constraints

The application site hosts a semi-detached dwelling with a detached front garage situated on the western side of Southborough Road. The site and surrounding area has no particular planning constraints or designations.

Comments from Local Residents and Groups

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

Objection:

- the proposed development would create an unacceptable level of overlooking that would be detrimental to the amenities of neighbouring properties.

Comments from Consultees

Highways Officer: There is space to park 2 cars in the drive so I would not have any objection to the application.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

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

7.4 Local character

7.6 Architecture

Unitary Development Plan

H8 Residential Extensions

H9 Side Space

BE1 Design of New Development

BE7 Railings, Boundary Walls and Other Means of Enclosure

T18 Road Safety

Draft Local Plan

6 Residential Extensions

8 Side Space

32 Road Safety

37 General Design of Development

Supplementary Planning Guidance

SPG1 – General Design Principles

SPG2 – Residential Design Guidance

Planning History

None.

Considerations

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

- Design
- Neighbouring amenity
- Highways
- 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 and H8 of the Council's Supplementary design guidance seeks to ensure that new development, including residential extensions, are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

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 proposed rear extension will replace the existing lean to extension and it is considered that the removal of this extension would have a positive impact on the character of the house. The proposed replacement extension will have a modest rear projection, bulk and height, incorporating a low eaves height and pitched roof at first floor level. The extension would be subservient to the main house and will include a maximum roof height that will be lower than that of the main house. A small projecting first floor window will also extend to the rear over the flat roof at first floor level. It is considered that the proposed rear extension would not overdevelop the house and would retain the existing amenity space to the rear of the house.

The proposed front extension will replace the existing garage structure and this will project to a similar forward point as the garage currently does. The roof will be pitched with a modest height and bulk and the projection will not be in advance of the front wall of No. 32A. As a result, it is considered that the front extension would not appear overly prominent within the street scene and would not erode the sense of space that exists to the front of the building, retaining a significant set-back from the highway.

In terms of design, the proposed external materials, including white brick, zinc cladding, slate roof tiles and copper coloured windows will alter the external appearance of the building and provide a new design approach for the dwelling. It is considered that this would not impact harmfully on the character of the house or the wider area, which is characterised by a mix of architectural styles and external materials. It is also noted that the site does not fall within a Conservation Area and the building does not provide any particular group value with buildings around it that the Council would look to specifically preserve.

The proposed use of the front extension includes a small mezzanine bedroom above the ground floor and whilst the layout does not suggest a second dwelling at the site, any potential severance from the main house would need to be prevented by way of a standard condition.

The proposed replacement front boundary wall and gates will be sited in the same location as the existing gates and will have a similar height and appearance. It is therefore considered

that the boundary treatment will have a neutral impact in terms of character and appearance of the house and the wider area.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed development 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 two storey rear extension will present a two storey vertical wall adjacent to the boundary adjoining No. 34. The attached building is in office use and is not residential. It also has no first floor rear windows that would be affected by the proposal. There is a ground floor rear lean to and this would be affected in terms of visual impact however in light of the modest rear projection, it is considered that this relationship would be acceptable.

The proposal will replace the existing rear conservatory with a new single storey rear extension with first floor set away from the side boundary of No. 32A. The first floor extension will be set in by 2.6m from the flank wall of the house and it is therefore considered that this section of the proposal would not impact in terms of visual impact or loss of light to No. 32A.

To the front of the house, the proposed extension will have a similar massing to the existing garage and will project forward to a similar point. It will not project to the front of the front wall of No. 32A. It is therefore considered that this aspect of the proposal would not impact on the amenities of No. 32A, which has no side windows facing the site.

To the rear of the building, the extension would bring the position of the first floor rear window 2.3m closer to the rear of the site, however it is not considered that this would create additional vantage points and opportunity to overlook neighbouring houses that do not already exist at the dwelling from the first floor rear facing window. The back to back separation will be 14m and the rear boundary is screened to a degree by vegetation.

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.

Highway Safety

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 garage is being converted. There are 2 parking spaces behind the gates and more in front of them if required. There do not appear to be any highway issues with the application subject to standard conditions.

CIL

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

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. No impact on highway safety would result.

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 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.

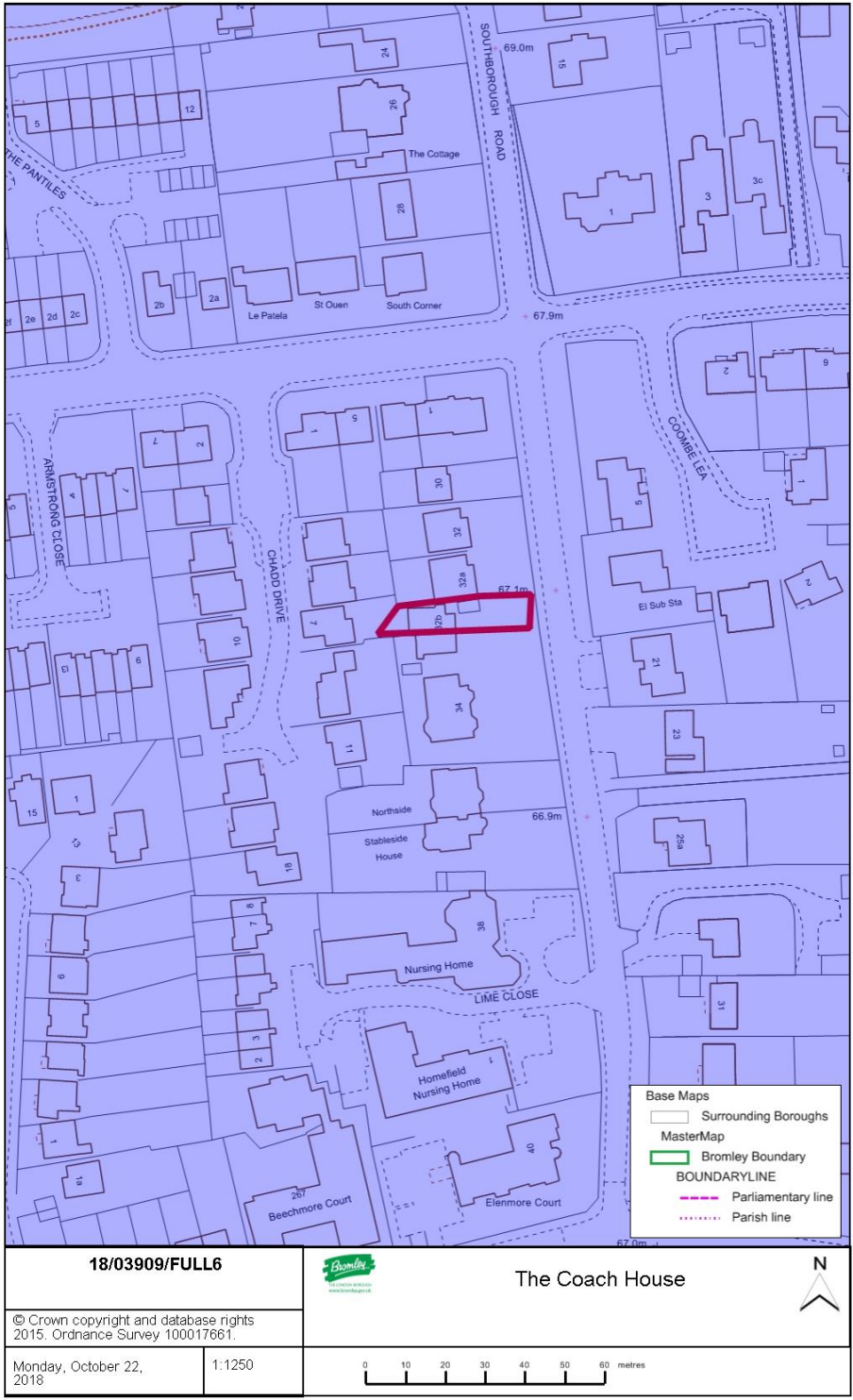
- 4** No windows or doors shall at any time be inserted in the flank elevations of the rear extension hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

- 5** The additional accommodation shall be used only by members of the household occupying the dwelling at The Coach House, 32A Southborough Road and shall not be severed to form a separate self-contained unit.

Reason: In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the accommodation is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.


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18/03909/FULL6

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Monday, October 22,
2018

 **The Coach House**

0 10 20 30 40 50 60 metres

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

Application No : 18/03954/FULL1

Ward:
Copers Cope

Address : 57 Park Road, Beckenham BR3 1QG

OS Grid Ref: E: 537160 N: 170170

Applicant : Mr CJ Jack and Ms SA Sfakianos

Objections YES

Description of Development:

Demolition of existing dwelling and erection of a three storey four bedroom detached dwelling

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 12

Proposal

The proposal is for the demolition of the existing house and erection of a replacement part two/part three storey detached four bedroom house. The proposed house will have a modern design with a pitched roof and part one/part two storey projecting section at the rear. The existing vehicle access and parking arrangements at the front of the house will be retained.

The proposed dwelling will have a footprint of 15.3m in length (16.7m previously refused) and 9.6m in width (10.4m previously refused). The roof will be pitched with a total height of 10.1m (10.5m previously refused). The existing dwelling has a height of 8.3m.

Location and Key Constraints

The site is located on the southern side of Park Road and currently comprises of a two storey detached residential house. The wider area is characterised by a mix of similar residential development and flatted development, including Harvest Court immediately to the west.

Comments from Residents and Local Groups

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

Objections:

- This revised application shows little reduction in the overall area in the overall area of the proposed building. The proposed dwelling is out of character with the surrounding detached houses in Park Road. Light to our main living room would be seriously reduced due to the height of the proposed new building. The light to our rear living room would be blocked by the height and the longer projection of the proposed house. Due to the proximity of the building line to Harvest Court, the proposed new development will overshadow and block the light to our balcony. Harvest Court will suffer a loss of privacy to its communal garden due to overshadowing and overlooking by the proposed new building
- Although the latest plans are a marginal improvement to those submitted earlier, they still do not address the major problem of loss of light and privacy.

As a resident of 3 Harvest Court (ground floor flat overlooking the rear garden) my quality of life would be significantly adversely effected. There would be a loss of light in my flat and overshadowing of the garden due to the size and placement of the proposed house. This would clearly result in a lack of my privacy.

- I am of reduced mobility and as such I spend a lot of time on my balcony/patio area and in my lounge. The detrimental impact of the proposed house would undoubtedly spoil my enjoyment of my home and garden.

The scale of the proposed house is completely out of character with other properties in the road.

- It is overbearing, oppressive and completely out of character, nor attempts to blend with existing architecture of the road.

How potentially one person's property, could take precedence over a flat (Harvest Court) community, significantly & adversely affecting quality of life, invading person's balcony privacy as well as loss of light, to our homes is beyond comprehension. A remote, rural setting would be more appropriate for such a build, rather than an urban area.

- The more recent plans are marginally smaller but still are an excessive footprint, massing and projects beyond the rear of building line of our property which is nearest to theirs. The light will still be impacted in the room at the rear of my flat, which I use daily. I also frequently use the balcony at the rear of my property which will be affected by the loss of light. Loss of

privacy - I will be overlooked by their 1st floor balcony which wraps round from front to side and this will also overlook our garden.

- Oppressive development not in keeping with the houses in Park Road. As with previous applications this is an excessive change, almost a similar size to previous applications with changes designed to appease planners and not to fit in with the neighbourhood. Why there is a requirement for three stories and a basement is beyond comprehension. This sort of property may be fine in the countryside where size and neighbourhood is not important but not in a suburban town. There are plenty of examples of properties in Park Road which have much better aesthetics with respect to the size of rooms/occupancy/available land space etc. something similar to those would be more acceptable for those living on the opposite side of the road and would be far more acceptable to those living adjacent. Another application for a monstrosity that will impact this lovely road adversely, and ensure repeated applications of something similar.
- The light will still be significantly impacted in our living room/balcony which is at the rear of the flat and overlooks the garden, which are parts of our accommodation which we use daily.

Loss of privacy in this area also seems inevitable as we will be overlooked by the proposed 1st floor balcony which will also overlook the garden.

- Details of the garden studio are not included on the plans.
- The front elevation is too wide and too high.
- The proposed design would enable it to be converted into two flats at a later stage - the thin edge of the wedge.
- Inaccuracies within the submitted plans
- Pending application at 53 Park Road Reference 18/04050 for Conversion of existing garage to habitable room, single storey side and rear and first floor rear extensions, roof alterations to form loft conversion to include gable end at front and roof lights and elevational alterations. This application should also be taken into account and be a consideration in any decision made.
- Either application would individually have a significant detrimental impact on number 55 which is in the middle of these potential 2 super large developments. In the event both were approved, the combined effect would be magnified greatly by the tunnel effect with a super large 3 storey dwelling on both sides totally enclosing number 55 creating a very harmful and oppressive environment.

Summary

- overshadowing in the garden due to the size and placement of the proposed new house
 - loss of privacy due to the overshadowing of the property on our garden
- the proposed house will create an oppressive and overbearing environment as it is very, very close to our flats and garden
- the scale of the property is completely out of character with other properties in the road
- massing and projection beyond the rear of the building
- excessive footprint
- detrimental impact on the amenities of neighbouring residential properties by way of harmful visual impact
- inaccuracies within the submitted plans
- a proposed garden studio would further overdevelop the site

Comments from Consultees

Highways Officer: The site is accessed via an existing arrangement leading to the front car parking area. Car parking- a minimum of two cars can be accommodated within the site's curtilage which is acceptable. Cycle parking- Non indicated 2 secure cycle parking spaces should be provided.

Drainage Officer: The submitted Design & Access Statement did not include the use of permeable paving in the car park and driveway areas nor the use of SUDS to attenuate for surface water run-off. Please impose D02 & D06.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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 Design and Quality of Housing Developments
- 3.8 Housing Choice
- 5.1 Climate Change
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

Unitary Development Plan

- BE1 Design of Development
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking

T7 Cyclists
T18 Road Safety
NE7 Development and Trees

Emerging Local Plan

Draft Policy 1 - Housing Supply
Draft Policy 4 - Housing Design
Draft Policy 8 - Side Space
Draft Policy 30 - Parking
Draft Policy 32 - Highways Safety
Draft Policy 37 - General Design of Development
Draft Policy 73 - Development and Trees
Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
Draft Policy 123 - Sustainable Design and Construction

Other Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

Planning History

18/01360/FULL1 - Demolition of existing dwelling and erection of a three storey four bedroom detached dwelling – REFUSED

Grounds of refusal:

‘The proposed development, by reason of its excessive footprint, massing and projection beyond the established rear building line, would result in an overdevelopment of the site and a detrimental impact on the character and appearance of this part of Park Road, contrary to Policies BE1 and H7 of the Unitary Development Plan and Policies 6 and 37 of the Draft Local Plan.

The proposed development, by reason of its siting and excessive scale and massing, would result in a detrimental impact on the amenities of neighbouring residential properties by way of harmful visual impact and loss of light, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan and Policies 6 and 37 of the Draft Local Plan.’

17/05232/FULL1 - Demolition of existing dwelling and erection of a part two/part three storey four bedroom detached house. APPLICATION WITHDRAWN

In addition there is a pending application at 53 Park Road Reference 18/04050 for Conversion of existing garage to habitable room, single storey side and rear and

first floor rear extensions, roof alterations to form loft conversion to include gable end at front and roof lights and elevational alterations.

Considerations

The main issues relating to the proposal are:

- Resubmission
- Design
- Neighbouring amenity
- Highways
- Sustainability
- CIL

Resubmission

Following the refusal of application ref. 18/01360, the current proposal has been reduced in scale and massing. The roof height has been reduced from 10.5m to 10.1m and the width from 10.4m to 9.6m. At ground floor level, the rear projection has been reduced by between 1.8m and 3.7m, taking into account the stepped rear elevation. The design of the building has been altered however the dwelling's design continues to have a stepped height from east to west.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and

future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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 H7 requires the design of new residential development to be of a high quality and to recognise as well as complement the qualities of the surrounding areas.

The proposal seeks to replace the existing dwelling with a three storey modern dwelling with pitched roof and accommodation at second floor level. The dwelling will therefore have a part three storey appearance, however the architectural design has been articulated in order for the bulk to increase from east to west in order to create a gradual increase in height from No. 55 to Harvest Court, with the upper floor set away from the lower building at No. 55.

The proposed replacement dwelling will not project significantly in front of the established building line and therefore will not appear intrusively within the street scene. The dwelling will project to the rear of both neighbouring buildings. At ground floor level the proposed rear projection will be 4.9m to the rear of No. 55 (8.5m previously refused) and 2.0m to the rear of Harvest Court (3.6m previously refused). The ground floor element will have a flat roof of 3.5m in height. The overall massing of the building at first and second floor levels would not break the building line at the rear significantly and the reductions made to the footprint of the house, including a reduction in width, would not overdevelop the site or compromise the character of the area. The rear building line will not be substantially broken, particularly when considered the stepping back of the rear building line of Harvest Court. The design and siting will retain space around the building and will not erode the existing garden area at the rear of the site.

It is considered that the proposed replacement building would be acceptable for these reasons and would not have a detrimental impact on the character of the area. The proposal is therefore considered to comply with Policies BE1 and H7 of the Unitary Development Plan and Policies 4 and 37 of the Draft Local Plan.

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 include a single storey section that will project 4.9m to the rear of No. 55 and 2.0m to the rear of Harvest Court. The buildings on this side

of Park Road are well separated from one another and whilst the proposal would extend significantly to the rear of the neighbouring residential property at No. 55, the low flat roof and reduced width creates a separation of 5.0m, to the nearest ground floor window at No. 55. The relationship is considered to be significantly improved from the previous application and the reductions in bulk and footprint are such that the extent of the impact on both No. 55 and Harvest Court would not be significantly harmful or oppressive

At upper floor levels, the first floor rear section of the house will be set in from both flank boundaries and it is considered that this aspect of the design would not impact harmfully on the amenities of either neighbouring residential buildings.

On balance it is considered that the proposal would not impact detrimentally on the amenities of neighbouring occupiers and is considered to comply with Policy BE1 of the Unitary Development Plan and Policy 37 of the Draft Local Plan.

Parking and Highway Safety

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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.

Park Road is subject to both at any time and part time waiting restrictions with shared use parking bays. The PTAL rating for the site is 3 (moderate) where car ownership could be expected to be associated with occupiers of the property. The proposal is for a 4/5 bed dwelling. The Council's parking standard is for a minimum of 1.0 space. The existing drive would be enlarged to create at least 2 off-street parking spaces. There are no objections from the highway point of view.

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 not completed the relevant form.

Conclusion

Having had regard to the above it was considered that the proposal is acceptable in that it would not result in a significant loss of amenity to local residents and would not impact detrimentally on the character of the area. No impact on highway safety would result.

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 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.**

(b) 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 (a) Prior to commencement of above ground works, 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.

(b) 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.

4 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan.

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 (a) 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 prior to construction of any above ground works**

(b) The arrangements as approved under part (a) 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 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works**

(b) The arrangements as approved under part (a) 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 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 (a) Surface water from private land shall not discharge on to the highway.**

(b) Prior to the commencement of development hereby approved (excluding demolition) 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.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage.

- 9 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 building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), 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.

- 10 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.

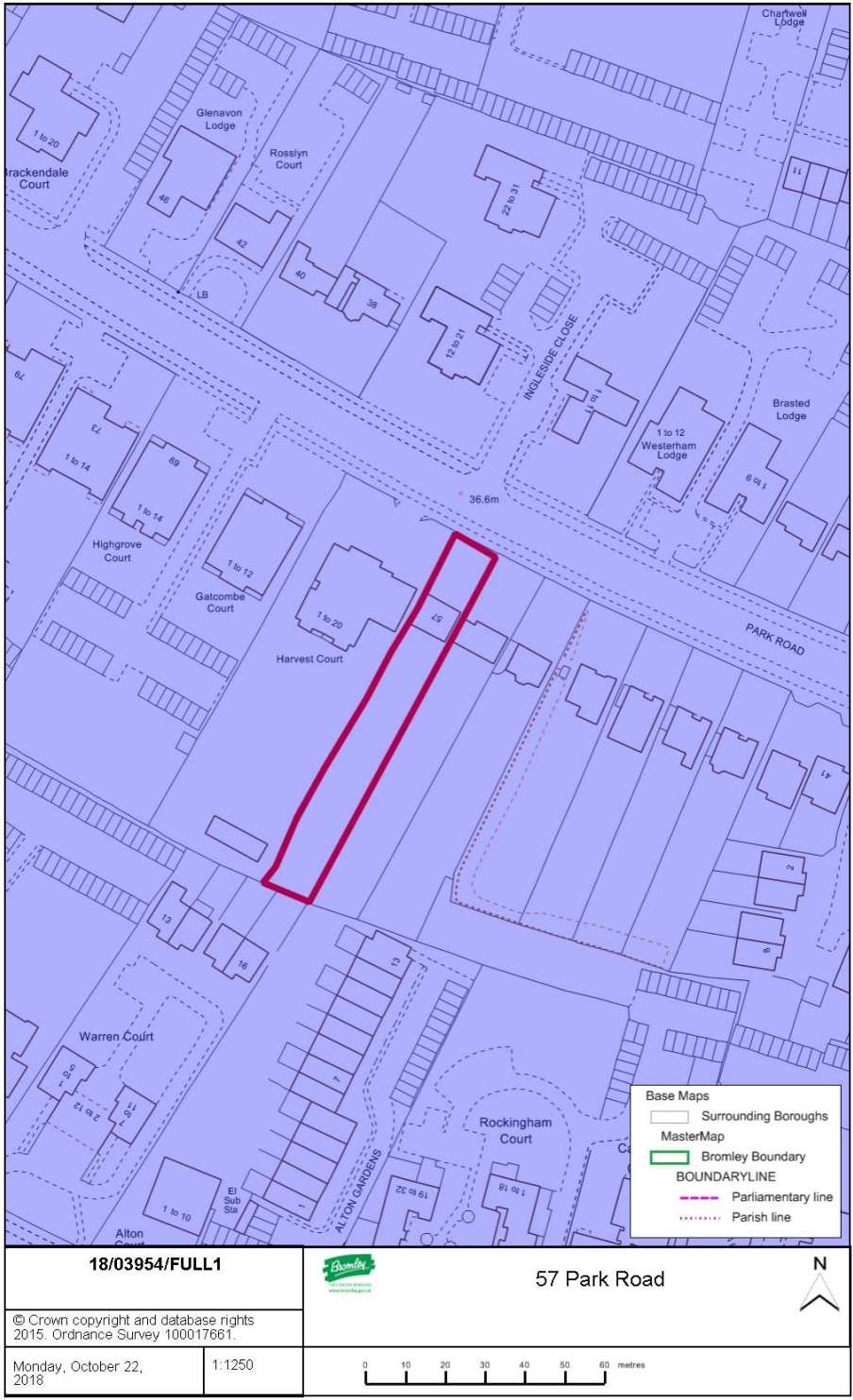
- 11 Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority . The development shall be completed strictly in accordance with the approved levels.**

Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy BE1 of the Unitary Development Plan.

You are further informed that :

- 1 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant**


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Monday, October 22,
2018

 **57 Park Road**

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

Application No : 18/04025/RECON

Ward:
Bickley

Address : Applegarth, Chislehurst Road,
Chislehurst, BR7 5LE

Objections YES

OS Grid Ref: E: 542432 N: 169669

Applicant : Mr Nigel Styles

Description of Development:

Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 18/00425 granted for demolition of existing dwelling and erection of a detached two storey four bedroom house with accommodation in roof space and detached triple garage at front to allow increase in roof height, increase in massing and elevational alterations.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 10

Proposal

Approval is sought for a Minor Material amendment under Section 73 to vary Condition 8 pursuant to permission ref. 14/00425 in order to amend the design of the proposed development.

The proposed amendments are summarised as follows:

- Enlargement of building to include increase in roof height from 8.6m to 8.9m and increase in size of rear section of the building
- Fenestration alterations to include new doors and windows and additional rooflight on the rear elevation

All other aspects of the dwelling's design would remain as permitted under ref. 18/00425.

Location and Key Constraints

This site is located on the northern side of Chislehurst Road, and lies between Chellows, a two storey detached house, to the west, and Kingsmere, a two/three storey flatted development to the east. The site is occupied by a detached bungalow which is

set significantly further back into its plot than the neighbouring dwellings to the south-west which front Chislehurst Road, and is well screened from the road frontage.

The development at Kingsmere to the east is constructed in a staggered form, and extends further to the front and rear of Applegarth. A further flatted development is being constructed to the north-east of Kingsmere on the site of Little Moor, which was allowed on appeal in early 2015.

Comments from Local Residents and Groups

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

Comments:

- Given my limited knowledge and understanding of technical drawings it is unclear to me whether the proposed revision in the height of the property will make the building more visible and intrusive from my flat. If this is the case I object to these changes. As feared, once planning permission was granted changes are now being made.

Comments from Consultees

Highways: Chislehurst Road, B264, is a classified road and a local distributor road in the UDP. Although there is potential for the proposed dwelling to generate a small increase in vehicular use of the slightly widened existing access to Chislehurst Road should be adequate for the current proposal. The PTAL rating for the site is 1b (low) where car ownership would be expected to be associated with occupiers of the dwelling. The Council's parking standard for a 1b rating is a minimum of 1.5 spaces. The proposed parking includes a triple garage plus additional space for further parking off-street. The refuse storage arrangements should be referred to Waste Services for comment. There were no objections to the previous application from the highway point of view subject to standard conditions.

Drainage - No comment.

Environmental Health (Pollution) – No objections raised to the previous application subject to informatives.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

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
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.21 Trees and Woodland
- 8.3 Community Infrastructure Levy

Unitary Development Plan

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space

NE7 Development and Trees
T3 Parking
T18 Road Safety

Emerging Local Plan

Draft Policy 1 – Housing Supply
Draft Policy 4 – Housing Design
Draft Policy 8 - Side Space
Draft Policy 30 - Parking
Draft Policy 32 – Highways Safety
Draft Policy 37 – General Design of Development
Draft Policy 73 – Development and Trees
Draft Policy 116 – Sustainable Urban Drainage Systems (SUDS)
Draft Policy 123 – Sustainable Design and Construction

Additional Guidance

Housing: Supplementary Planning Guidance. (March 2016)
Technical Housing Standards - Nationally Described Space Standard (March 2015)
Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

Planning History

Permission was refused in October 2014 (ref.14/02625) for the demolition of the existing bungalow and the erection of a three storey building containing 6 two bedroom flats, together with basement level car and cycle parking and a refuse and recycling store on the following grounds:

"The proposed development due to its excessive proportion, scale and bulk would result in the unacceptable sub-division of the existing plot resulting in a cramped overdevelopment of the site harmful to the appearance of the street scene, the visual amenity of the surrounding area and detrimental to residential amenity contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework."

The subsequent appeal was dismissed in February 2015 wherein the Inspector considered that although the proposals would not have an adverse effect on the character and appearance of the area, they would significantly affect the living conditions of the occupants of adjacent residential properties.

Permission was refused in September 2015 (ref: 15/01891) for the demolition of existing bungalow and the erection of a three storey building comprising 2 three bedroom and 3 two bedroom flats with basement and frontage car parking and cycle and refuse storage on the following grounds:

"The proposed building would, by reason of its size, bulk and close proximity to the dwelling and rear garden of Chellows, have a seriously detrimental impact on the amenities of the adjoining occupiers by reason of loss of outlook and privacy, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan".

The subsequent appeal was dismissed with the Inspector stating that the development would have considerable height and bulk very close to the planted boundary of Chellows. The part of the proposed building nearest the joint boundary would comprise large areas of unrelieved elevation. Despite the planting at Chellows and some retained on the appeal site, that part of the proposed building would dominate views from the nearest parts of the garden at Chellows. For this reason it would feel oppressive when viewed from within it. With regard to privacy, the proposed building would include windows to habitable rooms in flats 3 and 5, which would increase the potential for overlooking into the private rear garden of Chellows. Further, it would include a side terrace at first floor level, to flat 3, which, although it would be recessed, would also allow some views into that private rear garden.

Planning permission was refused under ref. 16/03224 for demolition of existing bungalow and the erection of a 2.5 storey building comprising 4 two bedroom apartments with car parking, cycle and refuse storage. The refusal grounds were as follows:

‘The proposed building would, by reason of its size, bulk and close proximity to the dwelling and rear garden of Chellows, have a seriously detrimental impact on the amenities of the adjoining occupiers by reason of loss of outlook and privacy, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.’

The subsequent appeal was dismissed with the Inspector stating that the building would be considerably more conspicuous than the existing arrangement at the site. The first floor windows of Flat 3 were considered to result in overlooking of Chellows. The presence of boundary vegetation, and the planting of new vegetation, did not lead the Inspector to consider the relationship acceptable in terms of overlooking. The height of the building was considered to compound the harm arising from loss of privacy. The proposed second floor balcony was also considered to have a harmful impact on the privacy enjoyed by Sandfield Cottage to the rear of the site.

Planning permission was refused under ref. 17/01502 for demolition of existing bungalow and the erection of a 2.5 storey building comprising 4 two bedroom apartments with car parking, cycle and refuse storage. The refusal grounds were as follows:

‘The proposed building would, by reason of its size, bulk and close proximity to the dwelling and rear garden of Chellows and Sandfield Cottage, have a seriously detrimental impact on the amenities of the adjoining occupiers by reason of loss of outlook and privacy, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.’

The application was subsequently dismissed on appeal. The Inspector concluded that the development would have a detrimental impact on the living conditions of occupiers of Sandfield Cottage.

Planning permission was granted under ref. 18/00425 for demolition of existing dwelling and erection of a detached two storey four bedroom house with accommodation in roof space and detached triple garage at front.

Considerations

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

- Resubmission
- Principle
- Design
- Neighbouring amenity
- Highways
- Sustainability
- Trees
- CIL

Resubmission

Following the grant of permission under ref. 18/00425, the current application seeks permission for an enlargement of building to include increase in roof height from 8.6m to 8.9m to provide additional second floor headroom along with an increase in size of rear section of the building. The first floor central bedroom will be increased in massing so that the rear wall extends to the same rearward point as the ground floor rear wall of the house, providing a first floor additional projection of 0.7m.

Further alterations include the provision of fenestration alterations to include enlarged doors windows and additional rooflight to the front elevation of the building. Two full length windows have been introduced to the western ground floor elevation. A ground floor window on the eastern elevation has been relocated and a second ground floor window removed. The first floor windows on the eastern elevation are proposed to be joined to form one larger window.

Principle of Development.

Housing is a priority for all London Boroughs and the Development Plan welcomes the provision 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. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance and character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

On this basis, the principle of a replacement residential building on this site has been accepted through previously permitted application (ref. 18/00425), therefore the proposal can be considered an appropriate form of development and use of the site, subject to an assessment of all other matters inclusive of design, neighbouring amenity and highways.

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 BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H7 requires that 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.

Policy H9 requires that new residential development for a proposal of two or more storeys in height, a minimum of 1m side space from the side boundary is maintained

and where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

In terms of the impact of the previous schemes on the character and appearance of the area, the Inspector accepted that the building would be of quite a substantial scale, and that the prevailing form of development along Chislehurst Road was generally of a low suburban character. Despite this, he considered that "the proposal would not be out of keeping with the more intensive built form of Kingsmere, or that recently approved at Little Moor, and which together also provide a distinct character to the site's immediate context." Taking this into account, and the fact that the proposed building would not be situated closer to the road than the existing bungalow along with the presence of a deep band of existing mature vegetation to screen the development, he found that "the size, scale and bulk of the proposed building would not constitute a cramped form of development that would be harmful to the character and appearance of the area."

This appeal decision guided a change in form and a subsequent traditional appearance was considered suitable under the previous scheme. When Members considered application ref. 18/00425 at Plans Sub-Committee on 22nd March 2018, they considered that the proposed single dwelling would be acceptable. They also considered that the reductions in bulk and massing, including a reduction in width of 1.2m at two storey level and a reduction in height of 0.6m, to be acceptable. The building also had a reduced footprint.

In comparison to the previous application, the roof height has now been increased by 0.3m from 8.6m to 8.9m. The resulting structure is therefore 0.3m lower than the previously dismissed proposal. The bulk and scale of the scheme has been increased but remains reduced form the previous appeal decision (17/01502) whereby the Inspector found no impact on the character of the area. It is considered that the design changes are not significant and the overall character, proportions and appearance of the dwelling will be very similar to that granted under ref. 18/00425. It is therefore considered that the overall massing of the proposal is not objected to in principle, subject to its impacts on neighbouring properties. It is considered that the amendments would complement the area without dominating the site or harming the established form and character of the road.

The scheme has a modern appearance, with pitched roof and accommodation in the roof space. Whilst it is considered that the material palette proposes high quality materials, the scheme does appear quite convoluted and busy, particularly with regard to the differing roof pitches and fenestration arrangement. Nevertheless, there is a mix of architectural styles found within the wider Chislehurst area and, on balance, It is therefore considered that this form of development would be acceptable in light of the recent planning history.

The proposed detached garage will be sited in advance of the main replacement house, however this will be set back from the highway and set behind the building line established by Chellows and Kingsmere. The proposed garage will have a low roof height and bulk has been designed to be as low as possible. The siting, scale and set back from the road are considered acceptable so as not avoid any sense of prominence and harm to the open character of the nearby frontages. The garage in this position and configuration has been previously considered acceptable under the previous application.

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.

As the proposed dwelling has been enlarged from that previously granted, comments made by the Inspector pertaining to the size and scale of the scheme and the impact on neighbouring properties is considered a material consideration in the determination of this application.

In terms of overlooking, the Inspector raised concern as to the impact of the habitable windows causing overlooking into the rear elevation of Chellows. This impact was considered to be exacerbated by the bulk of the building. The permitted proposal reduced the bulk to the western elevation in order to relieve the sense of massing perceived from Chellows. The fenestration was also designed so that the first floor front windows serve a dressing room and hallway, all of which could be obscurely glazed by condition in order to prevent overlooking and loss of privacy to Chellows. The current proposal retains this fenestration arrangement in relation to Chellows and therefore would not introduce any further issues of overlooking and loss of privacy. The small increase in roof bulk would have a limited visual impact, however it is noted that the increase would remain less tall and bulky than the previous appeal proposal, where no visual impact was considered by the Inspector to result due to the hipped roof design and siting away from the western boundary. These details remain as approved under ref. 18/00425.

With regard to the impact of Sandfield Cottage to the rear, a separation of 35m is maintained between the rear elevations, and the previous Inspectors comments are noted as to the lower land level of the neighbouring property. In order to address the concerns of the Inspector, the previous permitted scheme replaced the second floor rear balcony with a rooflight and this remains along with a second introduced rooflight. The result is an improved relationship with Sandfield Cottage that Members may consider to be acceptable on balance and in light of the previous decision.

The proposed triple garage will be sited adjacent to the flank boundary adjacent to Kingsmere and will be separated from the nearest flat by approximately 12m. The replacement house will be sited in a similar location to the existing and it is therefore considered that there would be no significant harm to the amenities of occupiers of Kingsmere as a result of the proposal. The previous Inspector also concluded that the scheme would have no significantly detrimental impact on neighbouring properties at Kingsmere and this view was shared by Members in their consideration of the garage under ref. 18/00425.

On balance, it is considered that the amendments to the approved building in addition to the alterations to its fenestration would not significantly affect the residential amenity of neighbouring properties to warrant a refusal on those grounds.

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.

Chislehurst Road, B264, is a classified road and a local distributor road in the UDP. Although there is potential for the proposed dwelling to generate a small increase in vehicular use of the slightly widened existing access to Chislehurst Road should be adequate for the current proposal. The PTAL rating for the site is 1b (low) where car ownership would be expected to be associated with occupiers of the dwelling. The Council's parking standard for a 1b rating is a minimum of 1.5 spaces. The proposed parking includes a triple garage plus additional space for further parking off-street. No objections are raised from a highway safety perspective.

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.

Trees

The application site is not subject to tree related restrictions. Application ref. 18/00425 was supported by a Tree Protection Plan (TPP) and Tree Survey Report which indicated trees to be removed to facilitate the development. These trees proposed for removal are category C and should not form a constraint to the development. It is clear that a number of trees along the boundaries will be retained and protected for the duration of the scheme. None of the trees within the site would merit the making of a Tree Preservation Order (TPO) even where the risk of loss is high. The landscape plan submitted was considered adequate for the layout of the site. The precautions adopted as part of the Tree Survey Report will reduce the impact upon retained trees and the conclusion in regards to trees is considered similar to the previous application.

The landscape plan submitted was considered adequate for the layout of the site. The precautions adopted as part of the Tree Survey Report will reduce the impact upon retained trees. The appropriate tree protection condition imposed on permission ref. 18/00425 can be repeated in this case.

CIL

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

Conclusion

Having had regard to the above it was considered that the size, scale, design and spatial relationship of the proposed development to surrounding properties is acceptable and sits well with surrounding development. The proposed development causes no harm to the wider locality and whilst of a considerable size and scale, is considered in keeping with its residential setting and of acceptable design. It is therefore recommended that Members grant planning permission.

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:

CONDITIONS

- 1 The development to which this permission relates must be begun not later than 04/04/2021.**

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

- 2 The landscaping scheme as shown on the submitted drawings 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 a similar size and species to those originally planted.**

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

- 3 Details 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 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 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 a satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

- 6 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 1995 (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.

- 7** 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 a satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

- 8** 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.

- 9** 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.

You are further informed that:

- 1** The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- 2** 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)).

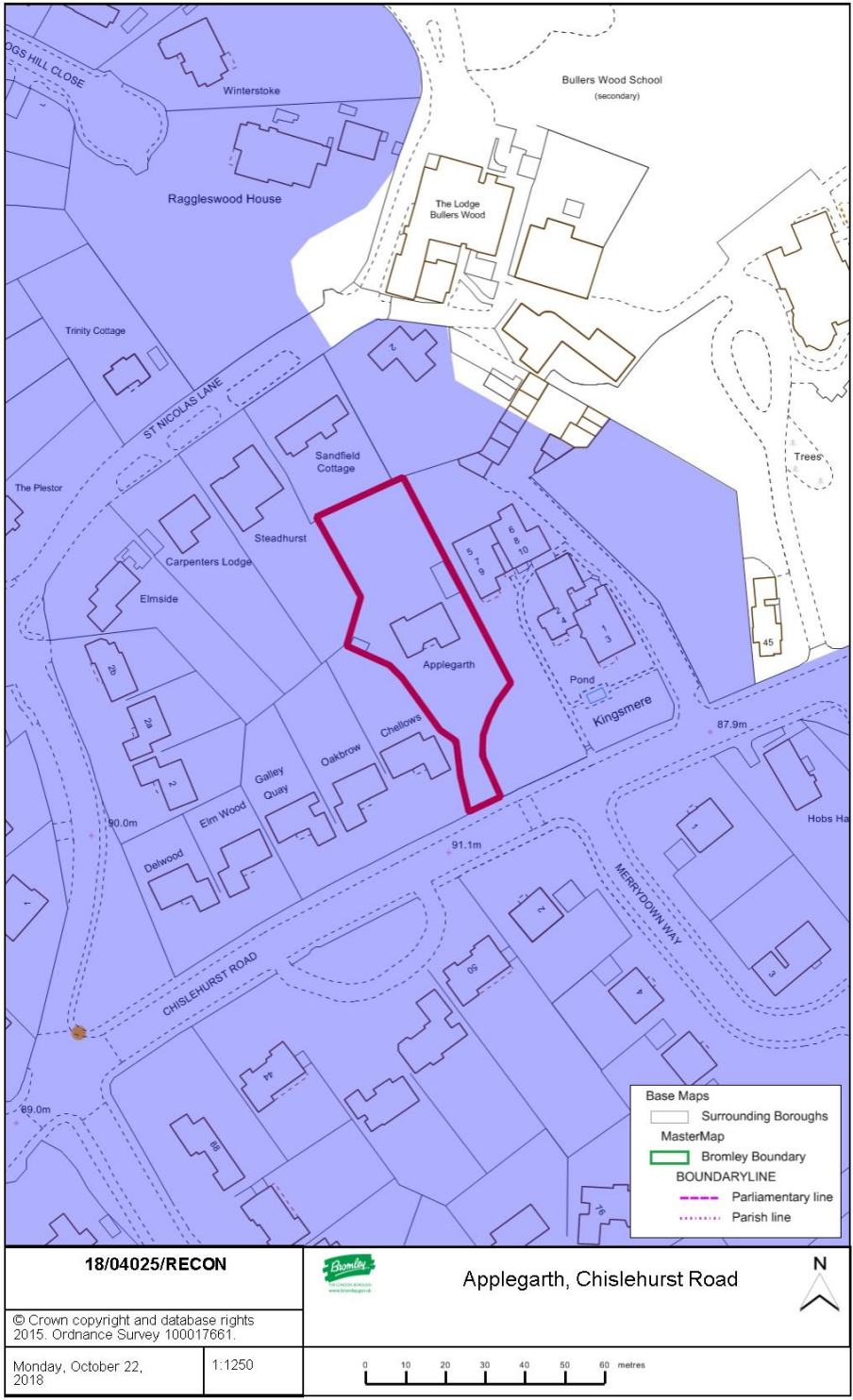
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

- 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 The applicant is advised that discharging surface water run-off to public sewer without attenuation is not acceptable.
- 5 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.

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 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.



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

Application No : 18/04093/FULL6

Ward:
Chislehurst

Address : The Croft, Yester Park, Chislehurst
BR7 5DQ

Objections YES

OS Grid Ref: E: 542934 N: 170561

Applicant : Mr & Mrs Carpenter

Description of Development:

Two storey side/rear extensions with single storey rear extension and loft conversion with rear dormers.

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 16

Proposal

This detached property is located on the northern side of Yester Park within Chislehurst Conservation Area.

It is proposed to add a first floor side extension to its western side over the existing garage, and extend to the rear with a part two storey extension (measuring 2.4m deep, which is similar to the existing single storey rear extension with balcony over which would be removed), and single storey rear extension (measuring a further 5.35m deep), giving an overall depth from the original rear wall of 7.75m.

Second floor accommodation is also proposed within the extended roof, and includes side roof lights and 2 rear dormers.

Site and Key Constraints

The site comprises a detached two storey dwelling set within a generous plot size. The wider area is located in the Chislehurst Conservation Area and is characterised by other similar residential properties.

Comments from Local Residents and Groups

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

Comments:

I am the owner of the stretch of land between The Croft and Wychling, Yester Park. Because of previous impingements on my property, I would ask that Mr and Mrs Carpenter ensure:

- 1 that their builders are made aware that the gap of at least 10'6" between The Croft and Wycheling is to be respected, ie., 3" away from my land and 10'6" from Wychling;
- 2 that my garden is not a convenient channel for running off water, drainage or other matter Previous owners, who apparently neither supervised nor warned their builders, ran equipment through my garden, and I was regrettably obliged to have them remove it, and make good the damage done.

The Chislehurst Society: We would normally object to this proposed development as being not compliant with the Council's UDP Side Space policy H9. However, given the Council's earlier permission granted on this site in 2010 and the subsequent permission granted on appeal, again in 2010, we consider it inappropriate to object to the current application. Would you please ensure that the views of the Society are drawn to the attention of the committee responsible for considering this application.

Comments from Consultees

The Advisory Panel for Conservation Areas (APCA): no inspection.made.

Conservation Officer: On the basis that this is the same as the previously approved scheme I raise no new objections. If minded to recommend please repeat the same conditions

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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

- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

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 (2016)

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

Unitary Development Plan

- BE1 Design of New Development
- BE11 Conservation Areas
- H8 Residential Extensions
- H9 Side Space
- NE7 Development and Trees
- T11 New Accesses
- T18 Road Safety

Draft Local Plan

- Draft Policy 6 - Residential Extensions
- Draft Policy 8 - Side Space
- Draft Policy 32 – Road Safety
- Draft Policy 37 - General Design of Development
- Draft Policy 41 - Conservation Areas
- Draft Policy 73 - Development and Trees

Additional Guidance

- Supplementary Planning Guidance 1 – General Design Principles
- Supplementary Planning Guidance 2 – Residential Design Guidance
- Supplementary Planning Guidance for the Chislehurst Conservation Area.

Planning History

10/01735/FULL6 - First floor side and one/two storey side and rear extensions. Rear dormer extension. (Amendment to permission ref: 10/00150 to increase depth of single storey rear extension) – Refused

Grounds of refusal:

'The proposed part one/two storey rear extension would, by reason of its size and excessive rearward projection, have a seriously detrimental impact on the amenities of the adjoining occupiers of "Hatton Orchard" by reason of loss of outlook, and would thereby be contrary to Policies H8 and BE1 of the Unitary Development Plan.'

Application subsequently allowed on appeal.

10/00150/FULL6 - First floor side and one/two storey side and rear extensions. Rear dormer extension - Permitted

Considerations

The main issues relating to the application are:

- Resubmission
- Design and the character of the Chislehurst Conservation Area
- Neighbouring amenities

Resubmission

Following the allowing of appeal ref. 10/01735, the current application is identical to that previously allowed and is resubmitted as a result of the expiration of the appeal decision.

Design and Impact on the Chislehurst Conservation Area.

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 BE11 of the UDP relates to Conservation Areas and states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development, for engineering works, alteration or extension to a building, or for change of use of land or buildings within a conservation area will be expected to:

- (i) respect or complement the layout, scale, form and materials of existing buildings and spaces;
- (ii) respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and

- (iii) ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

This guidance is reflected in Policy 41 of the Draft Local Plan.

Policy H9 states that when considering applications for new residential development, including extensions, the Council will normally require a proposal of two or more storeys in height to retain a minimum 1 metre space from the side boundary of the site for the full height and length of the flank wall of the building. 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. This guidance is reflected in Policy 8 of the draft Local Plan.

Policy 7.4 of the London Plan seeks that buildings should provide a high quality design that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and contributes positively to the character of the area. Consistent with this the National Planning Policy Framework (NPPF) states that new development should reflect the identity of local surroundings and add to the overall quality of the area.

The proposed extension will include a two storey side extension that would be constructed within 1m of the flank boundary of the site at ground floor level.

In this case H9 of the London Borough of Bromley's Unitary Development Plan (2006) (UDP) is relevant. This policy provides (*in part*):

"When considering applications for new residential development, including extensions, the Council will normally require the following:

(i) 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;"

This policy seeks to ensure *"that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas."*

It is noted that, the presence of the term '*normally*' in the body of UDP policy H9 strongly implies a need for discretion in the application of the policy, having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.

As the site falls within the Chislehurst Conservation Area there is a presumption to preserve and enhance the special character and features of the area.

It is noted that Yester Park is characterised by large detached dwellings within large plots, many of which provide a variety of side space to the flank boundaries. It is considered important to preserve the areas of side space which do exist in order to retain the character and appearance of the conservation area.

The scheme permitted under ref.10/00150 showed the part one/two storey rear extension projecting a total of 5.3m to the rear (with the first 2.4m being two storey), while the current scheme differs only in that the single storey aspect of the rear extension would project a further 2.5m to the rear giving a total rearward projection of 7.75m from the rear wall of the dwelling. This design matches the design allowed under ref. 10/01735. When considering the appeal, the Inspector states:

'The Croft lies within the Chislehurst Conservation Area. This part of the Conservation Area is characterised by large detached houses on large plots but without any defining architectural style. The effect of the proposal on the street scene would be the same as that of the extension already permitted and I am satisfied that it would preserve the character of the Conservation Area.'

The proposed development closely matches that previously allowed on appeal and there are no significant changes of circumstances at the site or surroundings that would lead the Council to consider the application differently to the Inspector. The Council's Conservation Officer has stated that the planning history is a material consideration in the assessment of the current proposal and it is considered that the development would not create additional harm to the special character and appearance of this part of the Conservation area in light of the planning history.

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. It is therefore considered to be contrary to Policies BE1, BE11, H8 and H9 of the UDP and Policies 6, 8, 37 and 41 of the emerging Local Plan.

Impact on Neighbouring Amenities

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 adjacent dwelling to the east, known as Hatton Orchard, has been extended to the rear at ground floor level, but the current scheme would project significantly further to the rear. This relationship was considered acceptable under ref. 10/01735 when the Inspector allowed the previous appeal. The Inspector states:

'I accept that the single storey element of the extension would be both wide and deep but that would not, in itself, make it harmful. The boundaries on both sides of the rear garden have very substantial planting which would screen the extension. Moreover, the extension would be built at the level of the existing patio which is cut slightly into the rising ground to the rear and the floor level would thus be below the neighbouring gardens which would reduce the visual impact of the building. The extension would be set in slightly from the boundary with Hatton Orchard which is itself set in from the boundary apart from the integral garage. The extension would be significantly deeper than the single storey extension at Hatton Orchard but, in my judgement, it would not be overbearing or intrusive in the outlook from Hatton Mount because of its low profile and the effective boundary screening.'

In light of the identical nature of the proposed development and the similar circumstances of the site and surroundings, the proposal would not be considered to impact harmfully on the amenities of Hatton Mount to a degree that would warrant refusal of the application.

There would be sufficient separation between the extensions and the adjoining property to the west (Wychling) to ensure that their amenities would not be unduly affected. This relationship was also considered acceptable previously.

It is considered that there would not be a significant loss of amenity to the neighbouring residential properties. On balance, the proposal is considered to comply with Policy BE1 of the Unitary Development Plan and Policy 37 of the emerging Local Plan.

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 not payable on this application and the applicant has not completed the relevant form.

Conclusion

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a harmful impact on the character of the Conservation Area and would not impact detrimentally on the amenities of neighbouring properties. No impact on highway safety would result..

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 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 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.

- 4 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.**

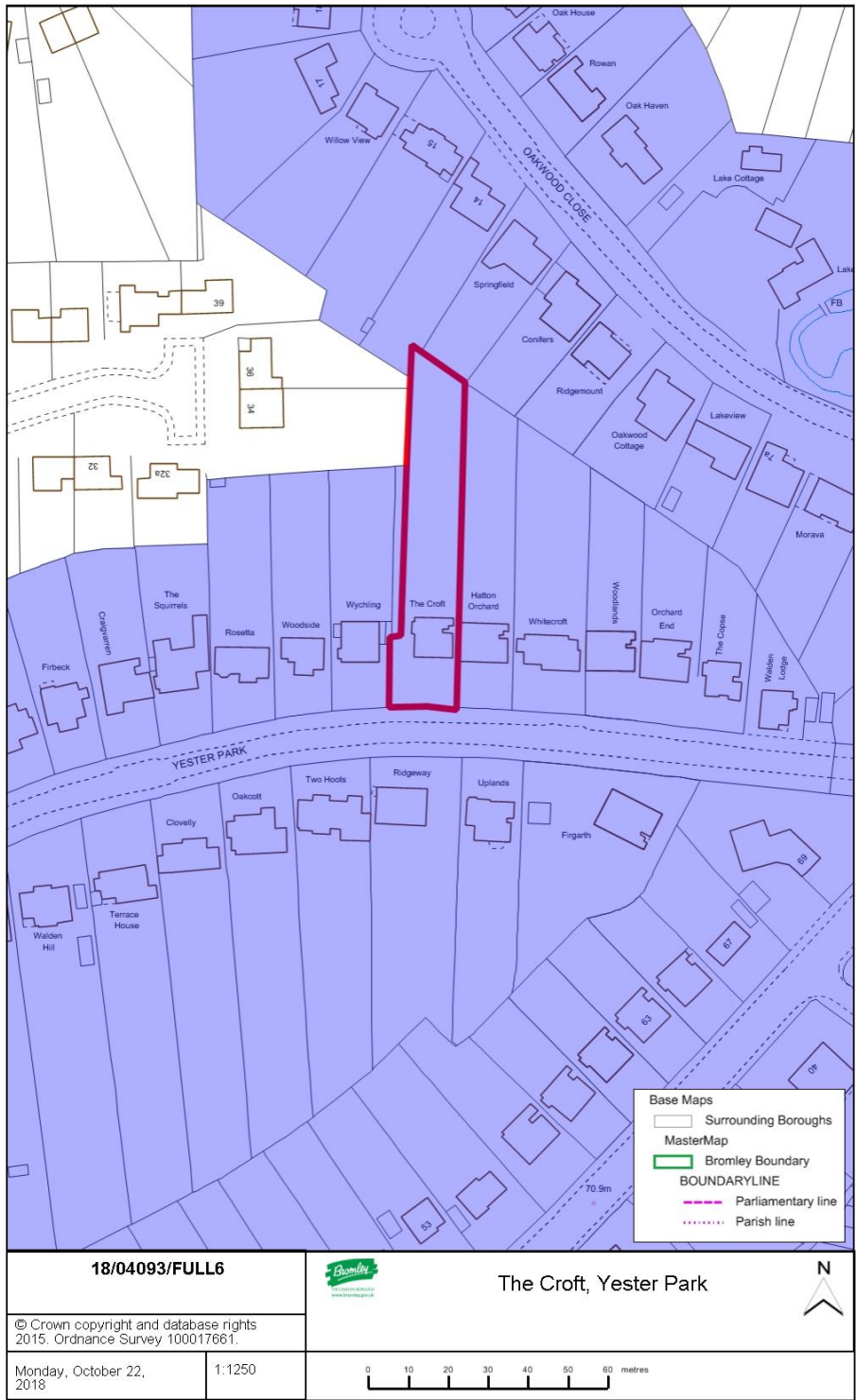
Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

- 5 Before the development hereby permitted is first occupied, the proposed window(s) in the second floor flank elevations 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.

- 6 No windows or doors shall at any time be inserted in the first floor flank elevation(s) of the development 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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Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 18/03907/PLUD

Ward:
Petts Wood And Knoll

Address : 148 Petts Wood Road, Petts Wood,
Orpington BR5 1LF

OS Grid Ref: E: 544630 N: 167775

Applicant : Mr Ajay Agrawal

Objections: No

Description of Development:

Part hip to gable loft conversion with rooflights to front and rear dormer with Juliet balcony.

LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)

Key designations:

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

Proposal

A Certificate of Lawful development is sought for part hip to gable loft conversion with rooflights to front and rear dormer with Juliet balcony.

Location and key constraints

The application site is a two storey semi-detached property located on the northern side of Petts Wood Road.

There are restrictions upon 'permitted development' rights at the property due to the adopted Article 4 Direction that covers the Petts Wood Area of Special Residential Character. The Article 4 Direction specifically relates to alterations and additions to the front elevation and states in effect that any alteration or addition to any front roofslope (that facing the public highway) that is currently permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would require planning permission.

Consultations

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

Considerations

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Classes B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

There are restrictions upon 'permitted development' rights at the property due to the adopted Article 4 Direction that covers the Petts Wood Area of Special Residential Character. The Article 4 Direction specifically relates to alterations and additions to the front elevation and states in effect that any alteration or addition to any front roofslope (that facing the public highway) that is currently permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would require planning permission.

Planning History

Planning permission was refused under reference 18/00412 for garage conversion, single storey rear and side extensions and loft conversion for the following reasons:

1. The proposed single storey side/rear extension would, by reason of its excessive rearward projection within close proximity to the eastern property boundary, have a seriously detrimental effect on the residential and visual amenities, and daylighting afforded to, No.146, along with the prospect which the occupants of that dwelling might reasonably expect to be able to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policy 37 of the emerging Local Plan;
2. The design and bulk of the proposed roof alterations, involving as it does substantial alterations to the existing roof line of the property, would be detrimental to the symmetrical appearance of this pair of semi-detached houses, would detract from the character of the host building, and would harm the character and appearance of this part of the Petts Wood Area of Special Residential Character, contrary to Policies BE1 and H10 of the Unitary Development Plan and Policies 37 and 44 of the emerging Local Plan; and
3. The proposed roof development would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of neighbouring dwellings, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the emerging Local Plan.

Conclusion

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Classes B & C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England)

Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

The property is located within the Petts Wood Area of Special Residential Character, so the Article 4 Direction for the area does need to be considered. The effect of the Direction requires that any alteration or addition to any front roofslope (that facing the public highway) that is currently permitted by Class B or C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would require planning permission.

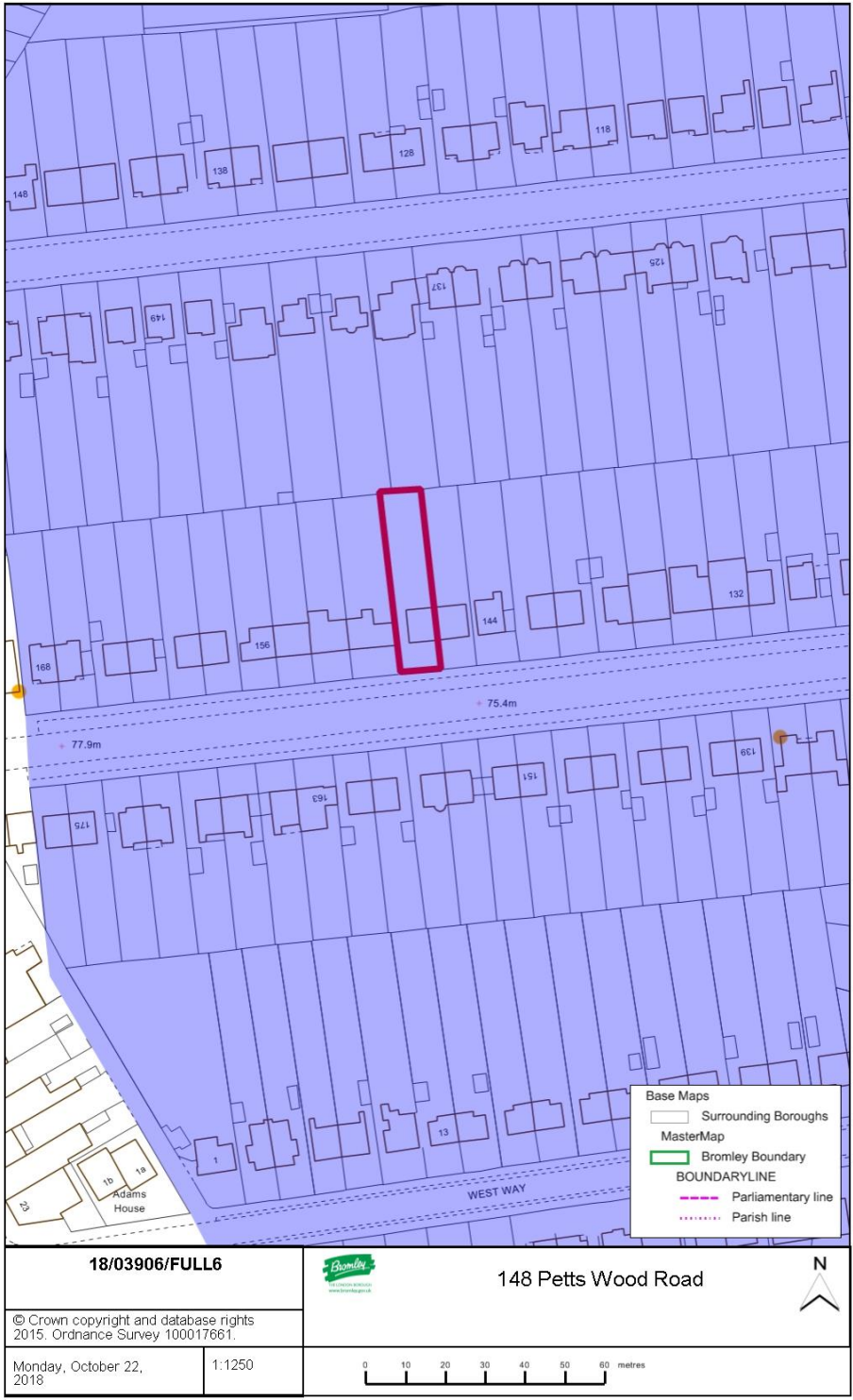
The proposed development seeks to enlarge the existing front roofslope of the host dwelling and also insert two rooflight windows in to the resulting front roofslope. This form of development is prohibited by the Direction which specifically relates to alterations and additions to the front elevation.

It is therefore considered that the certificate should be refused.

RECOMMENDATION: CERTIFICATE BE REFUSED

- 1 The Land at Petts Wood Area of Special Residential Character Article 4 Direction requires planning permission to be sought for any alteration or addition to any front roofslope (that facing the public highway) that would otherwise have been permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The site is within the area covered by this Article 4 Direction. The front roof slope of the dwellinghouse would be altered by the part hip to gable roof enlargement and the insertion of rooflights to the front roofslope, therefore the proposal would require planning permission.**

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