



THE LONDON BOROUGH
www.bromley.gov.uk

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Lisa Thornley
lisa.thornley@bromley.gov.uk

DIRECT LINE: 020 8461 7566

FAX: 020 8290 0608

DATE: 3 November 2020

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

Councillor Richard Scoates (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Marina Ahmad, Gareth Allatt, Aisha Cuthbert, Peter Dean, Nicky Dykes,
Kate Lymer and Michael Turner

PLEASE NOTE: This is a 'virtual meeting' and members of the press and public can see and hear the Sub-Committee by visiting the following page on the Council's website – <https://www.bromley.gov.uk/councilmeetingslive> Live streaming will commence shortly before the meeting starts.

A meeting of the Plans Sub-Committee No. 4 will be held at Bromley Civic Centre on
THURSDAY 12 NOVEMBER 2020 AT 6.00 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 e-mail lisa.thornley@bromley.gov.uk (telephone: 020 8461 7566) or committee.services@bromley.gov.uk

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 23 JULY 2020 (Pages 1 - 2)

4 PLANNING APPLICATIONS

Report No.	Ward	Page No.	Application Number and Address
4.1	Cray Valley West	3 - 12	(20/00342/PLUD) - Land Adjacent 98 Grovelands Road, Ticehurst Close, Orpington
4.2	Orpington	13 - 30	(20/01734/FULL1) - 65 Craven Road, Orpington BR6 7RU
4.3	Petts Wood and Knoll	31 - 38	(20/03038/PLUD) - 25 Silverdale Road, Petts Wood, Orpington BR5 1NH
4.4	Petts Wood and Knoll	39 - 46	(20/03136/PLUD) - 13 Silverdale Road, Petts Wood, Orpington BR5 1NH
4.5	Petts Wood and Knoll	47 - 54	(20/03262/PLUD) - 14 Silverdale Road, Petts Wood, Orpington BR5 1NJ

5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

PLANS SUB-COMMITTEE NO. 4

Minutes of the meeting held at 6.00 pm on 23 July 2020

Present:

Councillor Richard Scoates (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Marina Ahmad, Gareth Allatt, Aisha Cuthbert,
Peter Dean, Nicky Dykes, Kate Lymer and Michael Turner

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

No apologies for absence were received; all Members were present.

2 DECLARATIONS OF INTEREST

No declarations of interest were received.

3 CONFIRMATION OF MINUTES OF THE VIRTUAL MEETING HELD ON 28 MAY 2020

RESOLVED that the Minutes of the virtual meeting held on 28 May 2020 be confirmed and signed as a correct record.

4 PLANNING APPLICATIONS

SECTION 3

(Applications recommended for permission, approval or consent)

4.1 DARWIN CONSERVATION AREA

(20/01309/FULL6) - Old Farmhouse, Luxted Road, Downe, Orpington BR6 7JS

Description of application – Erection of detached garage.

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

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

1. The proposal would constitute an overdevelopment of the site and is considered to be inappropriate development in the Green Belt and would therefore result in a detrimental impact on its openness and visual amenity and the Council sees no very special circumstances demonstrated to outweigh the harm

caused, thereby the proposal would be contrary to Paragraph 145 of the National Planning Policy Framework and Policy 51 of the Bromley Local Plan.

**4.2
BROMLEY COMMON AND
KESTON**

**(20/01525/FULL6) - 57 Lakeside Drive, Bromley
BR2 8QQ**

Description of application – Demolition of existing garage and construction of a part one/two storey side/rear extension incorporating an integral garage.

Members having considered the report, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Assistant Director, Planning and Building Control.

The meeting ended at 6.12 pm

Chairman

Agenda Item 4.1

Committee Date	12.11.2020	
Address	Land Adjacent 98 Grovelands Road Ticehurst Close Orpington	
Application Number	20/00342/PLUD	Officer - Nicholas Trower
Ward	Cray Valley West	
Proposal	Installation of a toilet hut serving the nearby bus stand for the use by bus staff LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)	
Applicant	Agent	
London Bus Services Limited	Mr Ian Gilbert	
Palestra 197 Blackfriars Road London SE1 8NJ	5 Endeavour Square 9th Floor Westfield Avenue London E20 1JN	
Reason for referral to committee	Controversial	Councillor call in No

RECOMMENDATION	Proposed Use/Development is Lawful
-----------------------	------------------------------------

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 17</p>
--

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Grass verge adjacent to residential dwelling	0

Proposed	Toilet to serve nearby bus stand for use by bus staff	2.0sqm

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	0	0
Disabled car spaces	0	0	0
Cycle	0	0	0

Electric car charging points	0
-------------------------------------	---

Representation summary	Neighbour letters issued – 06.02.2020	
Total number of responses	1	
Number in support	0	
Number of objections	1	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 The proposed development falls within the scope of Class C of Schedule 2, Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

2. LOCATION

- 2.1 The application site comprises a strip of land to the west of Ticehurst Close which sits adjacent to No.98 Grovelands Road. The toilet hut will be situated within 50m of the bus stand it will serve and the land does not lie within any area of special designation.

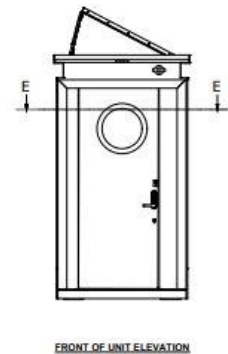
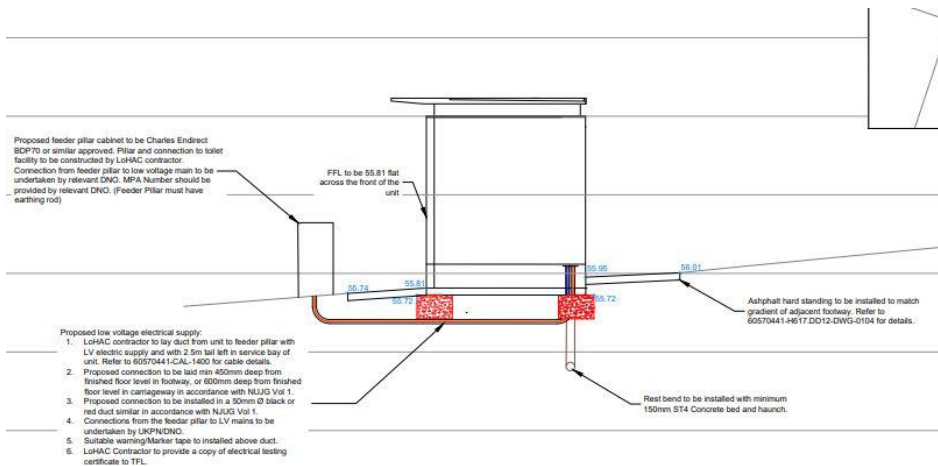
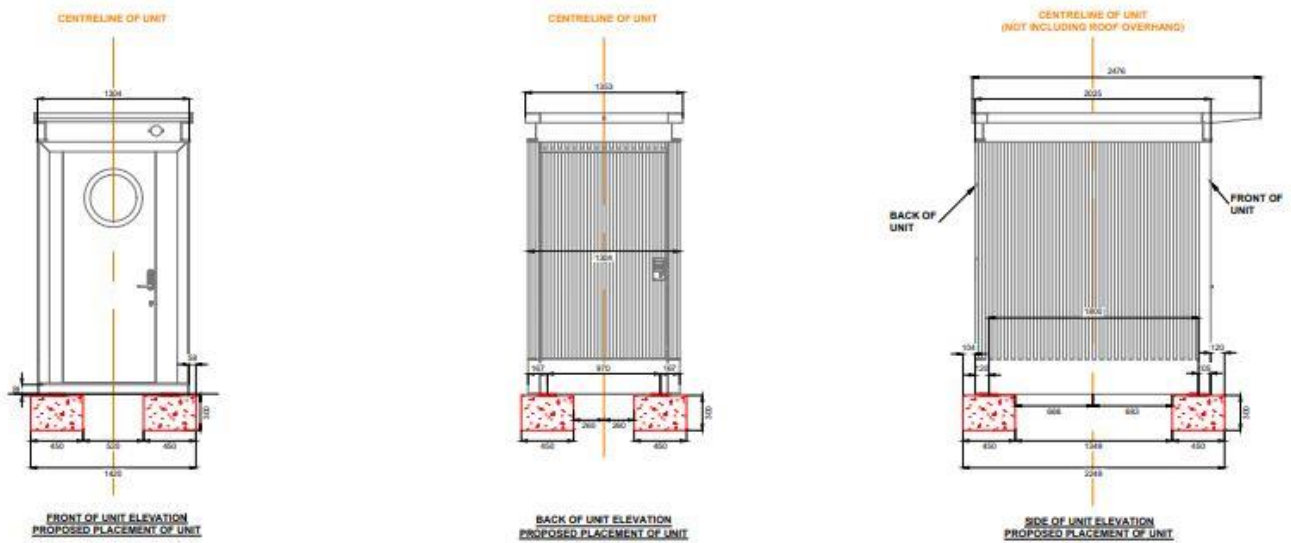
2.2 Site Location Plan:



3. PROPOSAL

- 3.1 The application seeks an existing lawful development certificate for the installation of a toilet hut to serve bus staff of the nearby bus stand.
- 3.2 The toilet hut will measure 1.3m in width, 2.0m in depth and 2.4m in height. The hut will have steel cladding on the sides with a solar panelled roof and laminated safety glass window to the door. There is currently a temporary hut on site which will be replaced with the structure proposed under this lawful development certificate.

3.3 Proposed elevations:



4. RELEVANT PLANNING HISTORY

4.1 There is no recent or relevant planning history at this site.

5. CONSULTATION SUMMARY

5.1 Neighbouring Occupiers

- Appearance and visual amenity - having a toilet outside next to my property is unpleasant and unsightly.
- Layout and density of building protruding high over the fence line with the addition of the solar panel making it worse.

- Noise and disturbance resulting from toilet use and when the cleaners come with their truck to operate the septic machinery.
- Smells resulting from human waste and hazardous cleaning materials.
- Loss of privacy and overlooking due to the land slope and where the truck parks.
- Adequacy of parking/loading/turning the cleaner's vehicle will have to park on the pavement.
- Highway safety issue due to narrowing of the road and restricted road access by traffic generated by the nearby school.
- Loss of trees and landscaping being ruined due to parking on the verges.
- Misleading and secretive. Proposals were not given to residents prior to October 2018 when the temporary toilet was placed.
- I requested a copy of the consultation letter that was allegedly sent to residents regarding this. There was none.
- The cleaning contractor arrives at 6am and we used to get rudely awakened by the septic truck noise. I complained to TfL and Bromley Council to no avail.
- I wrote a letter of complaint to the Director of Environment at Bromley Council. This was passed to a counterpart at TfL who had no idea I've been complaining for over a year.
- Future building foundations and drainage could be restricted or become unsafe because of the toilet's location.
- Maintenance personnel have been carrying out their duties before 9AM making terrible noise.
- People have been loitering by the toilet drinking alcohol, making noise and leaving their waste. The toilet attendant does not clean outside of the toilet.
- Toilet cleaner visited at 6:45AM switching on the loud machine that they use to service the toilet.
- The toilet is causing anxiety and leading to sleepless nights.

5.2 Please note that the full text of all representations received can be read in full on the Council's website.

6. POLICIES AND GUIDANCE

6.1 The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Class C of Schedule 2, Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and specifically whether any limitations/conditions of the Order are infringed.

7. ASSESSMENT

7.1 Class C (c) permits development by transport undertakers required for the purposes of the carrying on of any tramway or road transport undertaking consisting of the installation of telephone cables and apparatus, huts, stop posts and signs required in connection with the operation of public service vehicles.

7.2 In this instance, the proposed toilet hut would fall within the scope of Class C (c) and is considered to be permitted development for the following reasons:

- 7.3 The applicant is considered to be a transport undertaker.
- 7.3.1 London Bus Services Limited runs the bus service whose staff will use the toilet hut. London Bus Services Limited is a subsidiary company that is wholly owned by TfL who are a transport undertaker. Legal advice was provided by the applicants setting out that:
- 7.3.2 *"...the fact that London Bus Services Limited itself if it were a standalone body would not be a transport undertaker does not prevent TfL as a transport undertaker exercising its road transport PD rights through London Bus Services Limited, its wholly owned subsidiary company".*
- 7.4 The proposed toilet hut is considered to be a hut as allowed under the Order.
- 7.4.1 The application is accompanied by an opinion from Gregory Jones QC dated 31 January 2013 in connection with similar structures that have been located in London.
- 7.4.2 The Council did obtain an opinion from Planning Counsel in respect of that opinion in connection with similar structures that at the time had been placed on the highway in the Borough. Those structures were apparently resting on the land without any further attachment. Counsel advised:
- 7.4.3 *"10. I have read the Opinion of Gregory Jones QC dated 31 January 2013. This relates to previous structures. He reached the view that the structures were huts and so fell to be characterised as PD.*
- 7.4.4 *11. What do I make of his Opinion? I respect his view, although I am less persuaded by his argument at para 11 which draws on internet research as to advertisements of "toilet huts". I do not derive much assistance from what manufacturers and sellers of toilet blocks choose to call their wares. Counsel has drawn attention to the dictionary definition. This is relevant. Some assistance can be derived from it, but I do not find this definition determinative in a planning context.*
- 7.4.5 *12. The Council is not bound by this Opinion. As I have said, judging whether a given structure can be convincingly characterised as a hut is a matter of planning judgment. There is no hard-edged "legal" answer that a barrister can give.*
- 7.4.6 *13. More than that, it seems to me that there is unlikely to be a sweeping or over-arching "answer". Any decision is likely to be fact-sensitive revolving around its size and appearance. Aesthetic considerations including the ridge height, type of materials used and the extent to which it is perceived as a hut rather than a more "formal" building are likely to be material.....*
- 7.4.7 *15. My own personal view, as a humble barrister and amateur planner, is that the judgment is finely balanced and it can be cogently argued both ways. I agree that, as a matter of principle, a modestly sized toilet block is capable of being a hut for the purposes of PD but whether a given structure is will be highly fact sensitive. I*

have seen good quality colour photographs of the structures. They appear cleanly rectangular and metallic. If you put a gun to my head, I would say that they are not huts.”

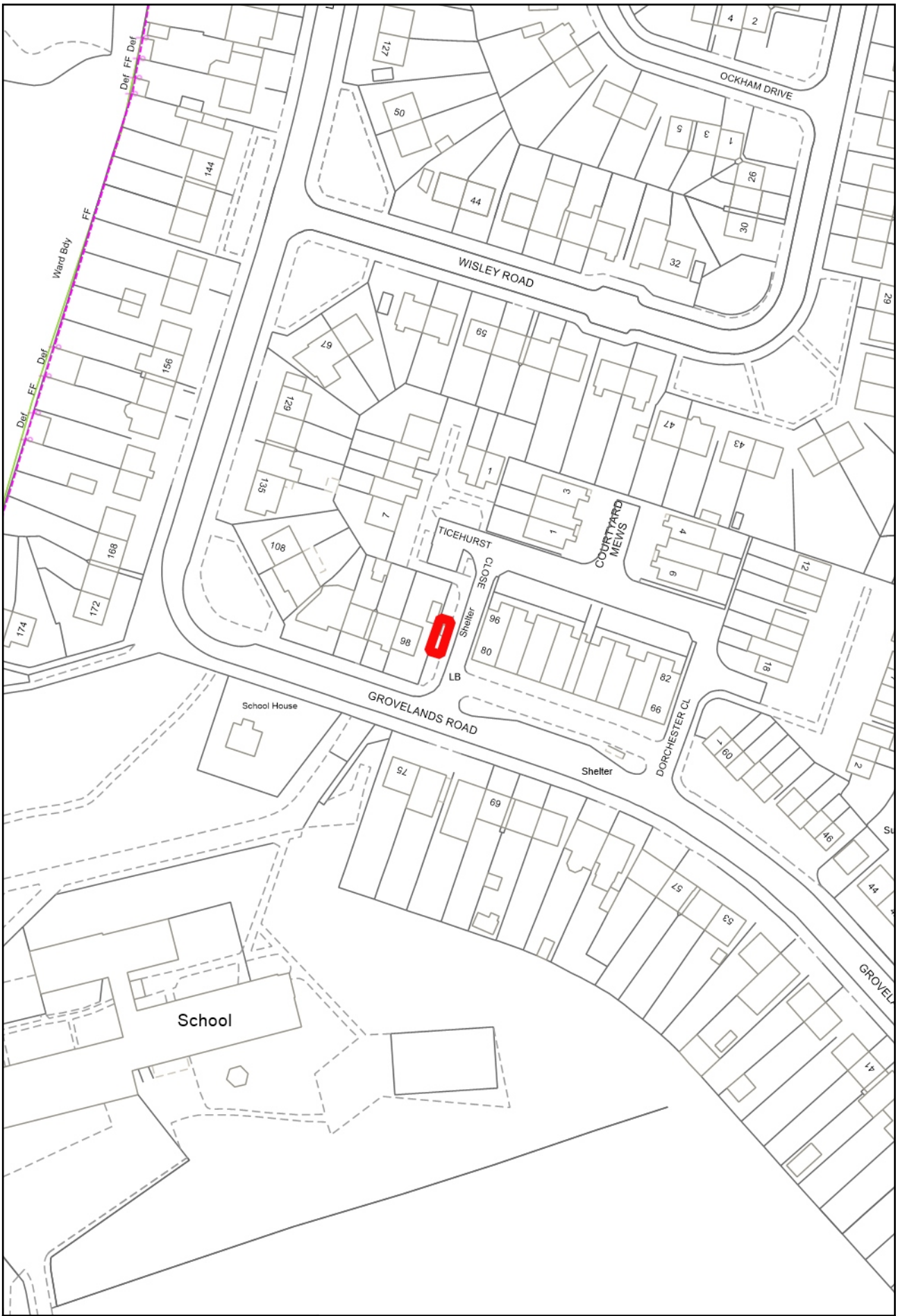
- 7.4.8 The current proposal is for a slightly different proposal in that there is a higher degree of attachment to the land. TfL have also referred to a number of other London Boroughs that have accepted similar proposals as permitted development.
- 7.4.9 Whether the proposed structure can be characterised as a hut is a matter of planning judgment. In this instance the proposed toilet hut will have steel cladding on the sides with a solar panelled roof and laminated safety glass window to the door. It would be a simple structure and will be permanently fixed in place with foul water drainage and a new water supply. Given its size, design and the proposed materials it is considered that the proposed structure could be considered to be a hut as allowed under the Order.
- 7.5 The proposed toilet hut would only provide facilities to bus drivers and would therefore be used for the purposes of the carrying on of any road transport undertaking.

8. CONCLUSION

- 8.1 The proposed development falls within the scope of Class C of Schedule 2, Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 8.3 It is therefore considered that the certificate be granted.

RECOMMENDATION: Proposed Use/Development is Lawful

This page is left intentionally blank



© Crown copyright and database rights 2020.
 Ordnance Survey 100017661.

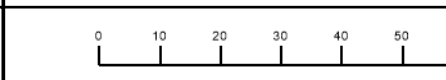


20/00342/PLUD- Land Adjacent 98
 Grovelands Road



03 November 2020

1:1250



Page 11

This page is left intentionally blank

Agenda Item 4.2

Committee Date	12.11.2020	
Address	65 Craven Road Orpington BR6 7RU	
Application Number	20/01734/FULL1	Officer - Gill Lambert
Ward	Orpington	
Proposal	Demolition of existing dwelling and erection of 3 two storey 4 bedroom detached dwellings each with detached garage, with vehicular access to Plot 65c from Craven Road and to Plots 65a and 65b from Broad Walk	
Applicant	Agent	
Mr Geoff Clarke	Mr Michael Daly	
4 Hanover Close Sittingbourne Kent ME10 4ET	57A Station Approach Hayes Bromley Kent BR2 7EB	
Reason for referral to committee	Significant Objections / Controversial	Councillor call in No

RECOMMENDATION	Resolve Not to Contest Appeal
-----------------------	-------------------------------

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	Class C3 Residential	131
Proposed	Class C3 Residential	603

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market				3	3
Total				3	3

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	2/3	6	+3/4
Disabled car spaces	0	3	+3
Cycle			

Representation summary	Neighbour letters were sent 21/02/2020	
Total number of responses	23	
Number in support	1	
Number of objections	22	

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area
- The development would not adversely affect the amenities of neighbouring residential properties
- The proposals would not constitute an overdevelopment of the site
- The development would provide a satisfactory standard of residential accommodation
- The proposals would not have adverse impacts on parking or highway safety
- The proposals would not have adverse impacts on important trees on the site
- The development would not have a harmful impact on protected species.

2 LOCATION

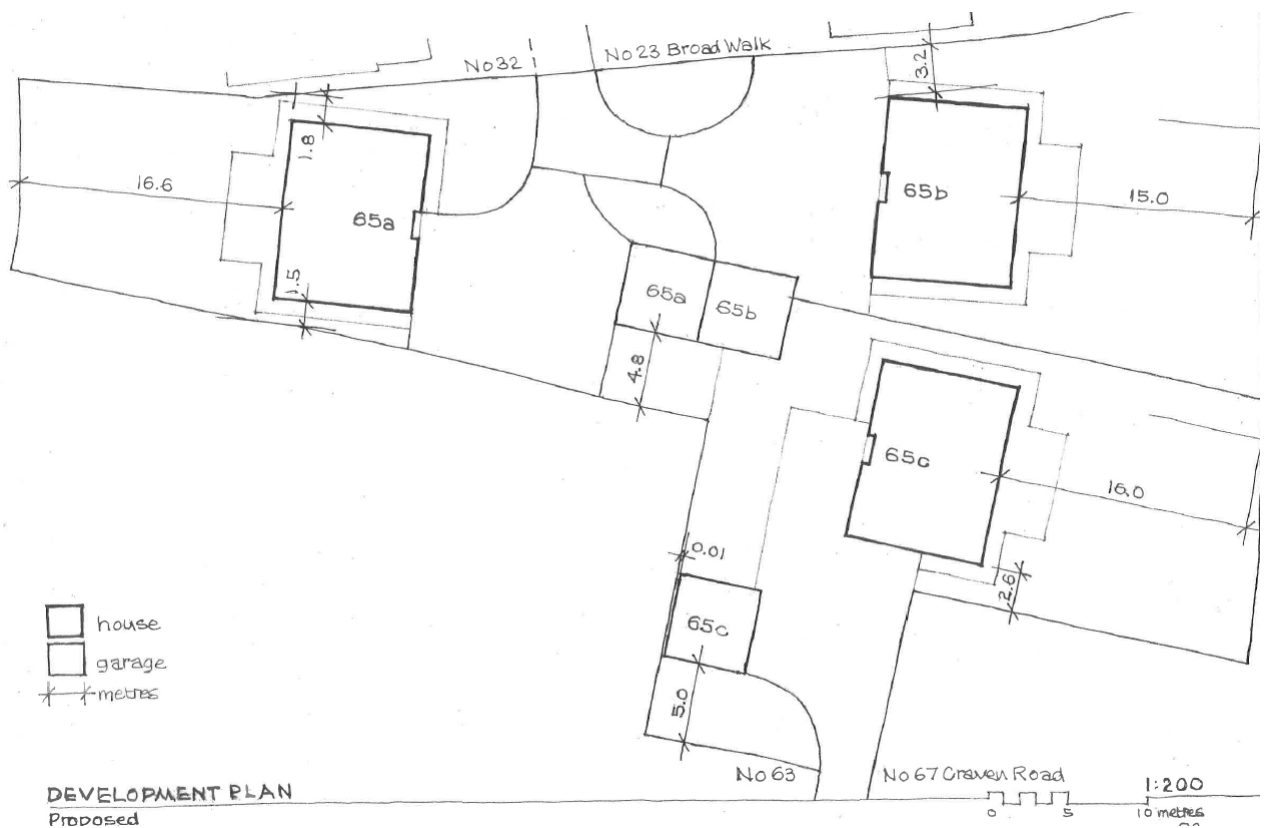
2.1 This plot of land is situated in a backland location, and is occupied by a detached bungalow located in the eastern part of the site, along with several outbuildings. It has vehicular access from Craven Road via a 50m long access drive situated between Nos.63 and 67 Craven Road, and the site area measures 0.23ha.

2.2 The site lies adjacent to Nos.5-8 Dorado Gardens to the east, Nos.23 and 32 Broad Walk to the north, and Nos. 53-69 (odds) and No.17 Avalon Close to the south and west.



3 PROPOSAL

- 3.1 It is proposed to demolish the existing bungalow and outbuildings, and construct 3 two storey 4 bedroom detached dwellings on the site, each of which would have a detached garage and frontage parking. One of the dwellings (Plot C) would be accessed from Craven Road via the existing access drive, whilst access to Plots A and B would be from Broad Walk, a cul-de-sac to the north of the site.
- 3.2 The applicant has submitted evidence of their right of vehicular access to the site from Broad Walk, and the appropriate Notices have been served on the owners of the front drives of Nos 23 and 32 Broad Walk which would be crossed to access Plots A and B.
- 3.3 The application was supported by the following documents:
- Design and Access Statement
 - Supporting Statement
 - Ecology Reports (January 2019 and May 2020)
 - Conveyancing Report
- 3.4 The applicant has exercised their right of appeal against non-determination and Members are therefore asked to consider whether to contest the appeal.





4 RELEVANT PLANNING HISTORY

4.1 An application for the demolition of the existing dwelling and the erection of 3 two storey 4 bedroom detached dwellings each with a detached garage, with vehicular access to Plot 65c from Craven Road and to Plots 65a and 65b from Broad Walk was submitted in July 2018 under ref.18/03439, and although an appeal was lodged against non-determination in April 2019, it was deemed to be out of time by the Planning Inspectorate, and no further action could therefore be taken on the application.

4.2A further application for the same development was submitted in May 2019 under ref.19/01918, and an appeal against non-determination was lodged in June 2019. The Council contested the appeal on the following grounds:

- 1 The proposed dwellings, by reason of their size, height and bulky design on this backland/garden land site, are considered to have a detrimental impact on the

character and appearance of the surrounding area, thereby contrary to Policies 3 and 4 of the Bromley Local Plan.

- 2 The proposed dwellings on Plots B and C would, by reason of their size, height, bulk and close proximity to the dwellings to the rear in Dorado Gardens, have a detrimental impact on privacy and outlook, and would thereby be contrary to Policy 37 of the Bromley Local Plan.
- 3 In the absence of surveys to confirm the likely presence or absence of bats within building B1 identified in the submitted Ecological Appraisal, it is not possible to determine the impact of the proposed development on bats which are a protected species or to determine what mitigation or compensation measures may be required. The application is therefore contrary to Policy 72 of the Bromley Local Plan.

4.3 The appeal was dismissed in October 2019 on grounds relating to the detrimental impact of the height and bulk of the roofs of the dwellings on the character and appearance of the area, and the lack of adequate surveys of protected species on the site with which to assess the impact of the development.

5 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

Highways – No objection

- The Design and Access statement indicates that the site has a right of way from Broad Walk and a solicitor's letter submitted with the application gives the details. It does not appear to be used by vehicles at present. It is not clear what happens if damage is caused to the access, but it is assumed that it would be a private matter between the parties.
- The garages would measure 4.5m x 5m which is much shorter than the normally required 6m. Assuming that the lighter yellow shading on the submitted plans indicates hard surfaced areas, there would be parking for a number of vehicles on each frontage.
- Neither vehicular access seems particularly suitable for large construction vehicles, therefore a construction management plan should be required by condition.

Trees – No objection

- The application site is free of statutory tree protection. Trees within the site are of limited amenity value or public significance. The Topographical Survey provides indicative tree information. It is clear that the existing trees are part of an earlier planting scheme and would not achieve higher than category C survey grade, in accordance with British Standard 5837.
- The three proposed dwellings and associated garages appear to be placed to allow a good degree of landscaping. As with any re-development proposals, landscaping will be a requirement. Any new tree planting detail and boundary treatment may be included in a landscape plan.

Drainage – No objection

- There is no public surface water sewer near the site, so the applicant should make their own arrangements as to how to dispose of surface water run-off. SUDS options must be maximised to attenuate for surface water run-off to greenfield run-off rate. A standard condition is suggested.

Orpington Field Club – No objection

- Bat foraging and commuting activity was present on 7th May 2019 and noted in the second ecology survey. If a bat is found during demolition of the existing building, work must stop, Natural England must be informed and their advice followed. Conditions regarding the provision of artificial bat roosts and adherence to the recommendations in the Ecology Reports are recommended.

B) Adjoining Occupiers

Character and appearance (addressed in paras. 7.3.1, 7.4.8 and 7.4.9)

- Dwellings will still be overbearing and out of character with the surrounding area
- Overdevelopment of the site
- Loss of garden land
- Detached garages are out of keeping with the area

Parking and traffic (addressed in para.7.6.4)

- Increased parking and traffic in Craven Road and Broad Walk

Light, privacy and outlook (addressed in paras.7.7.2 and 7.7.3)

- Revised scheme does not address impact on neighbouring properties
- Loss of light, privacy and outlook from neighbouring properties
- No accommodation should be allowed in the roofs

Trees (addressed in para.7.8.1)

- Loss of trees

General (addressed in paras.7.1.1, 7.6.4 and 7.9.3)

- A similar scheme has already been dismissed on appeal
- Plans should show slab and site levels to ascertain true height of dwellings
- Design and Access Statement seems to refer to the earlier dismissed scheme
- Discrepancies between the floor plans and the elevation drawing of the dwellings
- Inadequate drainage details submitted
- Disputed right of access from Broad Walk
- Detrimental impact on wildlife.

Support:

- The revised scheme has taken into account the concerns of the Appeal Inspector and is now acceptable
- Good to see further investment in the Goddington Park Area.

6 POLICIES AND GUIDANCE

- 6.1 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.
- 6.2 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.
- 6.3 The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.
- 6.5 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 6.6 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 6.7 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 6.8 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to

address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

6.9 At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

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

6.11 National Planning Policy Framework 2019

6.12 The London Plan

- 3.3 Increasing Housing Supply.
- 3.4 Optimising Housing Potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 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 net self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving Air Quality
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

6.13 Draft London Plan

- D1 London's form and characteristics
- D4 Delivering good design

D5 Inclusive design

6.14 Bromley Local Plan 2019

3	Backland and Garden Land Development
4	Housing Design
30	Parking
32	Road Safety
37	General Design of Development
73	Development and Trees

6.15 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance
Major's Housing SPG
National Planning Policy Framework (NPPF)

7 ASSESSMENT

7.1 Resubmission - Acceptable

7.1.1 The revised proposals have been amended to reduce the height and bulk of the roofs of the dwellings, and a further Ecology Report has been submitted in order to address the concerns of the Appeal Inspector.

7.2 Principle - Acceptable

7.2.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

7.2.2 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.2.3 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most

important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

7.2.5 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025. The new/intended to published London Plan's minimum target for Bromley will be increased to 774 new homes a year.

7.2.6 This application includes the provision of 2 additional residential dwellings and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

7.2.7 This site is located in a wholly residential area where the Council would consider residential redevelopments provided that they are designed to complement the character and spatial standards of the surrounding area, the design and layout of the dwelling provides suitable residential accommodation, and the proposals provide adequate amenity space for the occupants. The impact on the amenities of neighbouring residential properties, on parking and traffic in the area, and on any protected species should also be considered.

7.3 Density – Acceptable

7.3.1 With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 13 dwellings per hectare with the table giving a suggested level of between 35-75 dwellings per hectare in suburban areas with a 1 PTAL location. The proposals would therefore result in an intensity of use of the site that would be below the thresholds in the London Plan, however, they need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

7.4 Design, layout and scale – Acceptable

7.4.1 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.

7.4.2 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.

7.4.3 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.

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

7.4.5 Policies 4 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek 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.

7.4.6 Policy 8 of the BLP requires a minimum separation of 1m to be retained to the flank boundaries of the site in respect of two storey development.

7.4.7 Policy 3 of the BLP requires new residential development on backland or garden land to meet all of the following criteria:

- a** - There is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development;
- b** - There is no unacceptable loss of landscaping, natural habitats, or play space or amenity space;
- c** - There is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic;

d - A high standard of separation and landscaping is provided.

7.4.8 In dismissing the previous scheme, the Inspector considered that the siting of the dwellings would not in itself cause substantial harm compared to the existing situation, but was concerned about the large hipped roofs proposed that would be taller and bulkier than the immediate dwellings on Broad Walk and Dorado Gardens. He concluded that the proposals would result in a discordant and prominent form of development which would cause significant harm to the character and appearance of the area when viewed from the public domain.

7.4.9 In the current scheme, the roofs of the proposed dwellings have been reduced in height from 8.3m to 7.2m, the roof pitch has been reduced from 45 degrees to 25 degrees, and the front gables have been replaced with hipped roofs thus significantly reducing the overall height and bulk of the dwellings when viewed from the public domain. The revisions are therefore considered to adequately overcome the Inspector's previous concerns, and would not now have a significant detrimental impact on the character and appearance of the surrounding area.

7.5 Standard of residential accommodation – Acceptable

7.5.1 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.

7.5.2 Policy 4 of the BLP 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 Government's National Technical Housing Standards.

7.5.3 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.

7.5.4 The minimum space standard for a two storey 4 bedroom 6 person dwelling is 106sq.m., and, as with the previous scheme, the proposed dwellings would each provide 185sq.m. floorspace, and would thereby meet the required space standard.

7.5.5 Each dwelling would have a rear garden of at least 15m in depth which is considered acceptable for family dwellings of this size.

7.6 Highways – Acceptable

7.6.1 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.

7.6.2 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.

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

7.6.4 The proposals are considered to provide an acceptable level of parking for the development, and would not have a detrimental impact on parking in the surrounding area. Two of the proposed dwellings would be accessed from Broad Walk where the right of access is disputed, however, this is a private legal matter between the parties involved.

7.7 Neighbouring amenity - Acceptable

7.7.1 Policy 37 of the BLP 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.

7.7.2 In the previous scheme, the Council raised concerns about the size, height and bulk of the proposed dwellings on Plots B and C and the impact on the dwellings to the rear in Dorado Gardens in terms of loss of privacy and outlook. However, the Appeal Inspector considered that the proposed dwellings would be set an acceptable distance away from the houses in Dorado Gardens (Nos.5-8), and although the proposed houses would be situated in an elevated position relative to, and visible from, the rear of these properties, he considered that owing to the degree of separation, the proposals would not result in an unacceptable loss of outlook or privacy.

7.7.3 The dwellings in the current scheme would be in the same positions as the appeal scheme, and the overall height and bulk of the roofs would be reduced. The revised scheme would not therefore cause any additional loss of amenity to neighbouring residential properties.

7.8 Trees – Acceptable

7.8.1 The proposals are not considered to have a detrimental impact on important trees on the site.

7.9 Impact on protected species

7.9.1 In the previous appeal, the Inspector considered that insufficient survey work had been carried out to ascertain whether the proposals would have an adverse impact on any protected species.

7.9.2 An ecological survey was carried out by the applicant within the recognised bat roosting season on 7th May 2020, and the results are set out in the Ecologists report of 12th May 2020.

7.9.3 The Orpington Field Club has had regard to the Ecology Reports, and has recommended that conditions be imposed regarding the provision of artificial bat roosts and adherence to the recommendations in the Ecology Reports.

7.10 CIL

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

8 CONCLUSION

8.1 The proposals are not now considered to have a detrimental impact on the character and appearance of the surrounding area, and adequate ecological surveys have been carried out to ensure that protected species would be adequately protected. The revised scheme is therefore considered to overcome the previous concerns of the Appeal Inspector. Additionally, the provision of 2 new dwellings would make a minor contribution towards meeting the Council's housing targets, which also weighs in its favour.

8.2 Conditions are recommended to secure an acceptable form of development which protects the amenities of neighbouring properties and the area generally.

RECOMMENDATION: RESOLVE NOT TO CONTEST APPEAL

In the event that the Inspector is minded to allow the appeal, the following conditions are recommended:

Standard Conditions:

1. Standard time limit of 3 years
2. Standard compliance with approved plans

Pre-Commencement Conditions:

3. Surface water drainage
4. Construction and Environmental Management Plan
5. Slab levels

Above Ground Works conditions:

6. Soft and hard landscaping and boundary enclosures
7. Material details/samples
8. Refuse storage details
9. Lighting details for parking area
10. Details of artificial bat roosts

Prior to First Occupation conditions:

11. Car parking details to be implemented
12. Obscure glazed/fixed shut windows

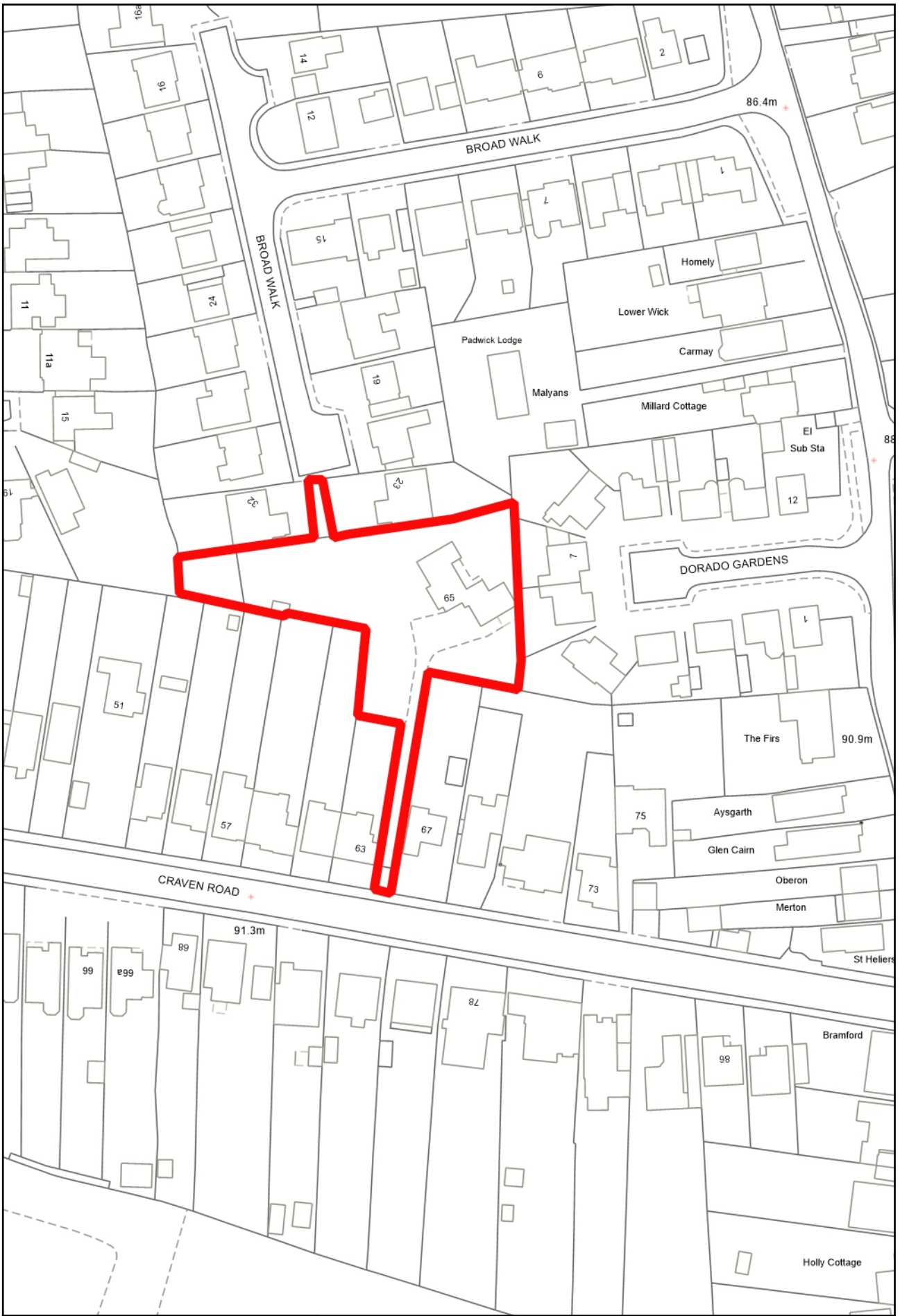
Compliance conditions:

13. Wash down facilities
14. Remove PD rights
15. Recommendations in Bat Survey and Ecology Reports to be complied with.


Any other planning condition(s) considered necessary or requires amending by the Assistant Director of Planning


Informatives:

1. CIL



© Crown copyright and database rights 2020.
 Ordnance Survey 100017661.


20/01734/FULL1- 65 Craven Road,
 Orpington, BR6 7RU



03 November 2020

1:1250



This page is left intentionally blank

Agenda Item 4.3

Committee Date	12.11.2020		
Address	25 Silverdale Road Petts Wood Orpington BR5 1NH		
Application Number	20/03038/PLUD	Officer – Joanna Wu	
Ward	Petts Wood And Knoll		
Proposal	Loft conversion with set back gable, barn hip & rear dormer and elevational alterations (Proposed Lawful Development Certificate)		
Applicant	Agent		
Mr & Mrs Caple	Mr Jon Bale		
25 Silverdale Road Petts Wood Orpington BR5 1NH	Crofton Design Services Ltd. 3 Rice Parade Fairway Petts Wood BR5 1EQ		
Reason for referral to committee	Councillor call in		
	Call-In	Yes	

RECOMMENDATION	Proposed Use/Development is Lawful
-----------------------	------------------------------------

<p>KEY DESIGNATIONS</p> <p>Area of Special Residential Character Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 4</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3	Not specified

Proposed	C3 (no change proposed)	47.5 sqm created in loftspace

Representation summary	Neighbour letters issued – 27.08.2020	
Total number of responses	0	
Number in support	0	
Number of objections	0	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development falls within the scope of Class A and Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The proposed development would not constitute an alteration or addition to the front roofslope that would be prohibited by the Article 4 Direction in place for the Petts Wood Area of Special Residential Character.

2. LOCATION

- 21 The application site comprises a two storey semi-detached dwellinghouse located on the north-western side of Silverdale Road, Petts Wood. The property, which is not listed, is subject to an Article 4 direction and lies within the Petts Wood Area of Special Residential Character (ASRC).
- 22 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.

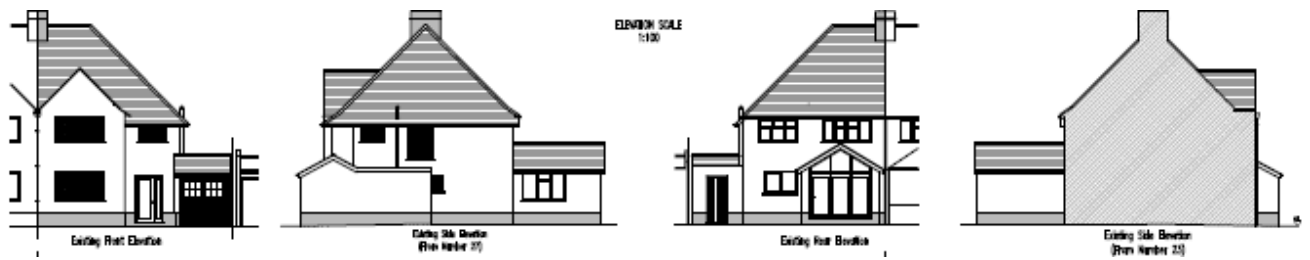
23 Site Location Plan:



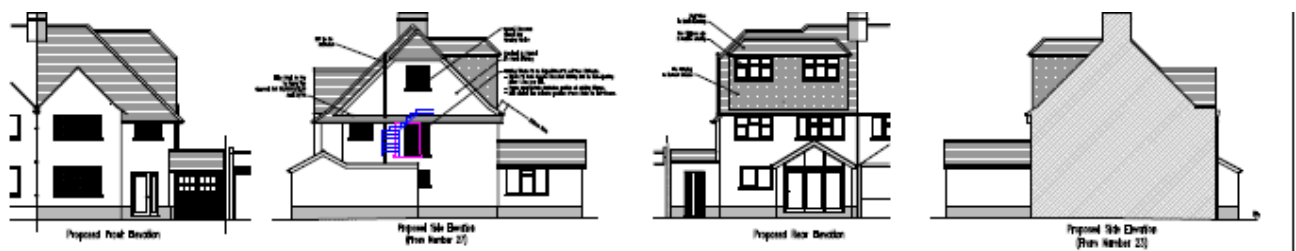
3. PROPOSAL

- 3.1 The application seeks a Lawful Development Certificate for a loft conversion with a barn hip gable roof enlargement and rear dormer extension. The barn hip gable roof enlargement would be set back from the front roofslope and would feature a small hipped section. There is a flank window which would be obscured glazed. Two windows to the rear dormer would facilitate a loft conversion. The cubic volume of the rear dormer would be 47.5m³ (as shown on the submitted Drawing no: 4216-20-PD002 Rev P4).
- 3.2 The flank window on the first floor would be relocated. This window would be fitted with obscure glazed.
- 3.3 The proposed materials would match the existing.

3.4 Existing elevations:



3.5 Proposed elevations:



4. RELEVANT PLANNING HISTORY

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

4.2 20/01187/HHPA - Single storey rear extension, extending beyond the rear wall of the original house by 6m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.5m (42 Day Notification for Householder Permitted Development Prior Approval) - No neighbouring representations received (07.05.2020)

5. CONSULTATION SUMMARY

5.1 No requirement to consult any statutory consultees due to the nature of this application.

6. POLICIES AND GUIDANCE

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

6.2 With regards to Class B, of relevance to the application is a recent appeal decision in relation to 40 Manor Way, Petts Wood (ref. APP/G5180/X/18/3212541) which proposed a similar roof enlargement with a setback gable roof enlargement, and had been refused by the Council as being in contravention with the Article 4 Direction in force in the area. The Appeal was allowed, with the Inspector finding that the appeal proposal would not constitute an "addition" to the front roofslope even though it enlarged the volume of the roof overall. Likewise the Inspector did not consider that the proposal would constitute an "alteration" to the front roofslope as it makes no changes to it even though the front elevation of the property would appear differently.

7. ASSESSMENT

- 7.1 Class A permits the enlargement, improvement or other alteration of a dwellinghouse. The proposed relocation of the first floor window would fall within the scope of Class A and is considered to be permitted development and complies with the following condition:
- 7.2 A.3 (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (ii) 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.
- 7.3 Class B permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. In this instance, the proposed roof extension and the flank window would fall within the scope of Class B and are considered to be permitted development for the following reasons:
- 7.4 The property is a single dwellinghouse and has not benefitted from any change of use under class M, N, P or Q.
- 7.5 The extension will not exceed the height of the highest part of the existing roof.
- 7.6 The extension would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.
- 7.7 The resulting extensions volume falls within 50 cubic metres allowed in the case of a terraced dwelling (47.5 cubic metres).
- 7.8 The proposal does not consist of or include a veranda, balcony or raised platform.
- 7.9 The house is not sited within a conservation area.
- 7.10 The materials proposed for the exterior are shown to be similar in appearance to those used in the construction of the existing dwellinghouse.
- 7.11 The dormer provides a minimum 0.2m, separation from the eaves of the dwelling.
- 7.12 There are a new window in the second floor flank elevation and it will be level 3 obscure glazing and the opening part will be above 1.7m finished floor level.
- 7.13 The extension does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- 7.14 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, however in light of the decision in respect of 40 Manor Way it is not considered that the proposed hip to gable enlargement would constitute an alteration or addition to the front roofslope that would be prohibited by the Direction. The proposed development is to the side roofslope and set back from the front roofslope, therefore this is outside of the permitted development rights which have been removed.

8. CONCLUSION

- 8.1 The proposed development falls within the scope of Class A and Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 8.2 The proposed development would not constitute an alteration or addition to the front roofslope that would be prohibited by the Article 4 Direction in place for the Petts Wood Area of Special Residential Character.

RECOMMENDATION: Proposed Use/Development is Lawful

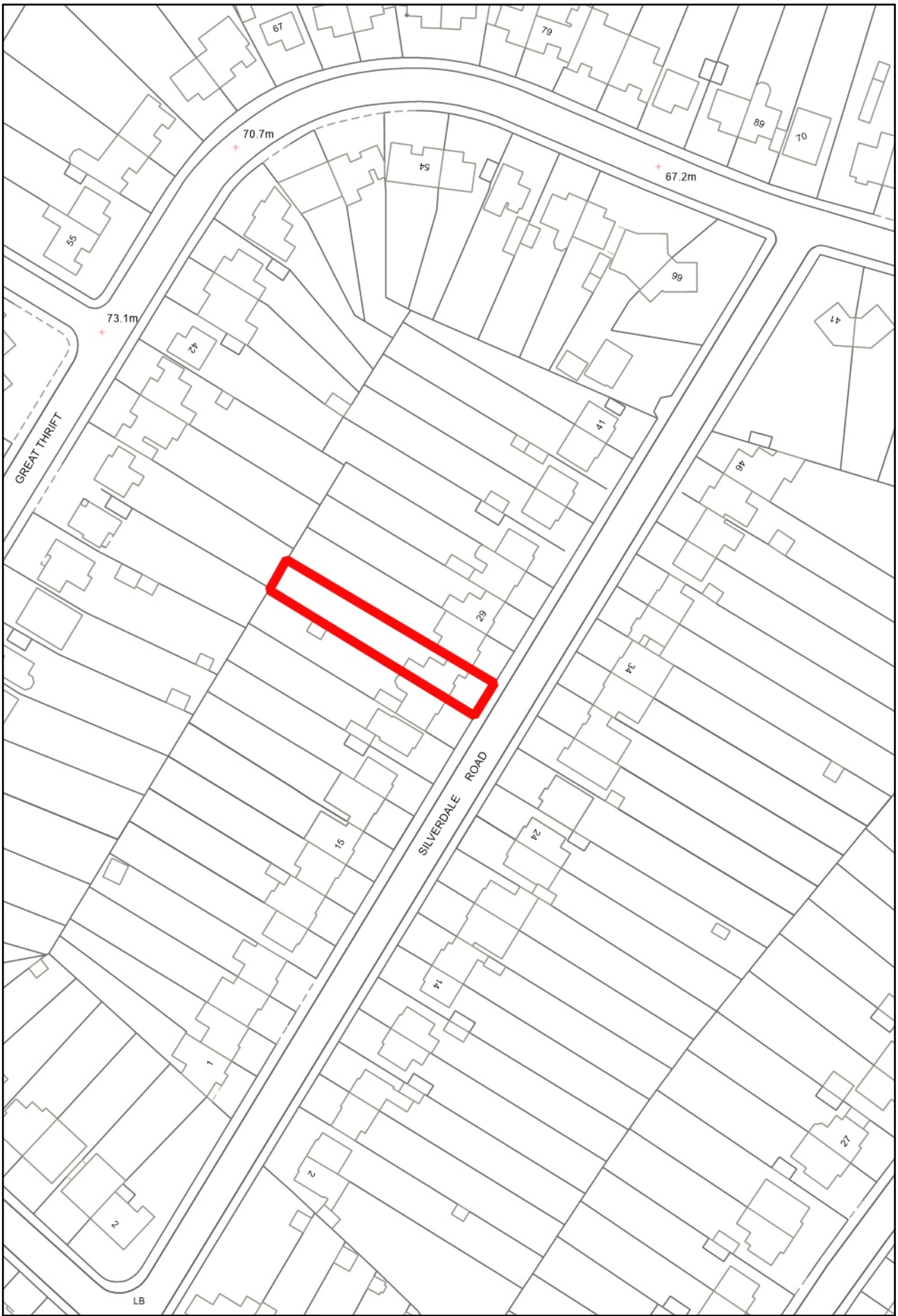
as amended by documents received on 24.09.2020,

Reason:


- 1. The proposal as submitted would constitute permitted development by virtue of Class A and Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Article 4 Direction, made 5th January 2017, did not have the effect of restricting these permitted development rights.**


You are further informed that:

- 1 The certificate has been granted on the basis of the calculations and information submitted by the applicant on Drawing No. 4216-20-PD002 Rev P4 and Volume Calculation Sheet: 4216-20-PD001 Issue B.




© Crown copyright and database rights 2020.
Ordnance Survey 100017661.


20/03038/PLUD- 25 Silverdale Road



03 November 2020

1:1250


Page 37

This page is left intentionally blank

Agenda Item 4.4

Committee Date	12.11.2020		
Address	13 Silverdale Road Petts Wood Orpington BR5 1NH		
Application Number	20/03136/PLUD	Officer - Jacqueline Downey	
Ward	Petts Wood And Knoll		
Proposal	Loft conversion and roof alterations comprising of partial gable extension and rear dormer and elevational alterations - materials to match existing		
Applicant	Agent		
Mr & Mrs Doe	Mr Jon Bale		
13 Silverdale Road Petts Wood Orpington BR5 1NH	3 Rice Parade Fairway Petts Wood BR5 1EQ		
Reason for referral to committee	Call-In	Councillor call in Yes	

RECOMMENDATION	Proposed Use/Development is Lawful
-----------------------	------------------------------------

<p>KEY DESIGNATIONS</p> <p>Area of Special Residential Character Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 4</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
	C3	Not specified

Existing		
Proposed	C3 (no change proposed)	27sqm (approximately) created in loftspace

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	2	2	0
Disabled car spaces	0	0	0
Cycle	0	0	0

Electric car charging points	0
-------------------------------------	---

Representation summary	Neighbour letters issued –16.09.2020
Total number of responses	0
Number in support	0
Number of objections	0

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

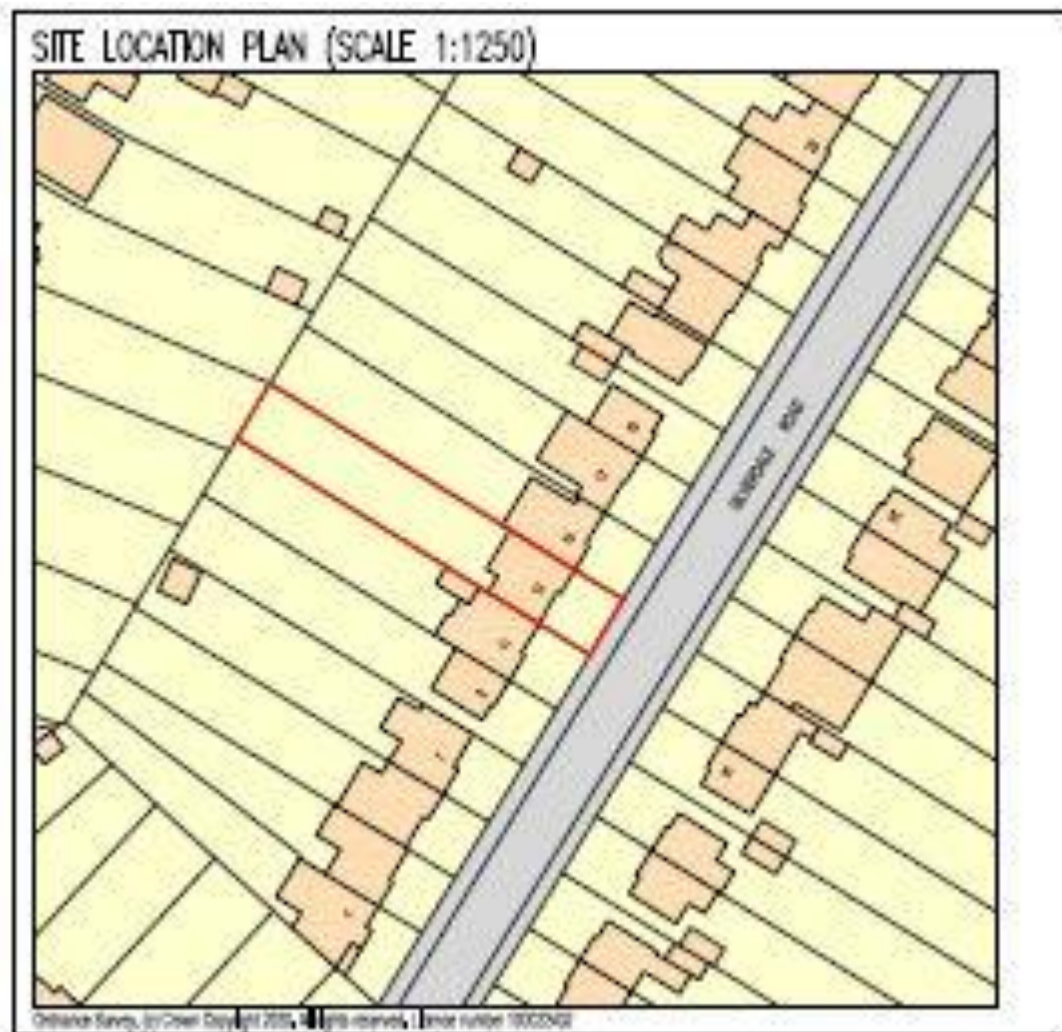
- The proposed development falls within the scope of Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The proposed development would not constitute an alteration or addition to the front roofslope that would be prohibited by the Article 4 Direction in place for the Petts Wood Area of Special Residential Character.

2. LOCATION

- 2.1 The site hosts a semi-detached dwelling which is situated on the western side of Silverdale Road. The site is situated within the Petts Wood Area of Special Residential Character (ASRC)

2.2 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.

2.3 Site Location Plan:



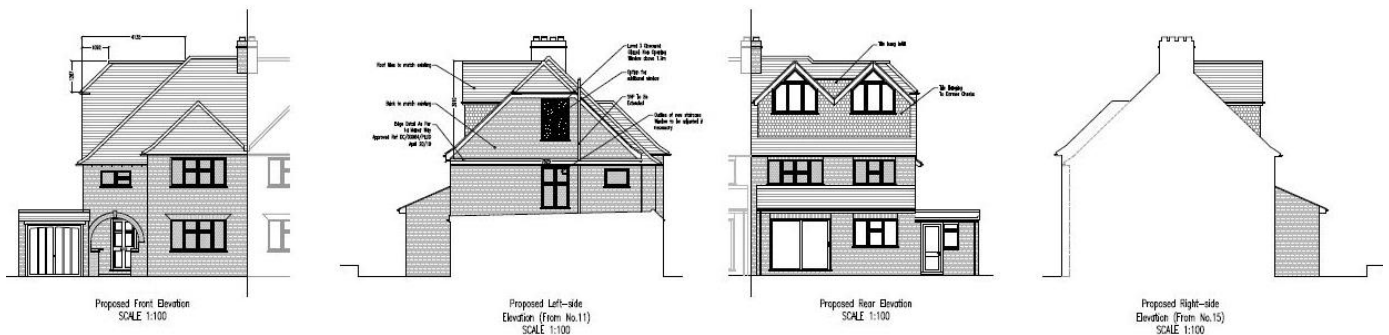
3. PROPOSAL

3.1 The application seeks a Lawful Development Certificate for roof alterations to which would comprise of a part hip to gable extension to incorporate a rear dormer with a width of 6m and pitched roofs.

3.2 Existing elevations:



3.3 Proposed elevations:



4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 20/03151/FULL6 - Single storey rear extension and part garage conversion. - PERMITTED

5. CONSULTATION SUMMARY

- 5.1 There is no requirement to consult any statutory consultees due to the nature of this application. Neighbouring occupiers were notified of the application and no representations were received.

6. POLICIES AND GUIDANCE

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

6.2 Of relevance to the application is a recent appeal decision in relation to 40 Manor Way, Petts Wood (ref. APP/G5180/X/18/3212541) which proposed a similar roof enlargement with a setback gable roof enlargement, and had been refused by the Council as being in contravention with the Article 4 Direction in force in the area. The Appeal was allowed, with the Inspector finding that the appeal proposal would not constitute an "addition" to the front roofslope even though it enlarged the volume of the roof overall. Likewise the Inspector did not consider that the proposal would constitute an "alteration" to the front roofslope as it makes no changes to it even though the front elevation of the property would appear differently.

7. ASSESSMENT

7.1 The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Class B 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.

7.2 In this instance, the proposed rear dormer and hip to gable extension would fall within the scope of Class B and is considered to be permitted development for the following reasons:

7.3 The extension will not exceed the height of the highest part of the existing roof.

7.4 The extension would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.

7.5 The resulting extensions volume is approximately 48.8 which falls within 50 cubic metres allowed in the case of a semi-detached dwelling.

7.6 The proposal does not consist of or include a veranda, balcony or raised platform.

7.7 The house is not sited within a conservation area.

7.8 The materials proposed for the exterior are shown to be similar in appearance to those used in the construction of the roof of the existing dwellinghouse.

7.9 The dormer provides a minimum 0.2m, separation from the eaves of the dwelling.

7.10 The window located within the flank wall of the proposed is shown to be obscure glazed and non-opening below 1.7m from the internal floor level.

7.11 The proposal does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

7.12 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, however it is not considered that the proposed hip to gable enlargement would constitute an alteration or addition to the front roofslope that would be prohibited by the Direction and this is consistent with the Inspectors decision in respect of 40 Manor Way. The proposed

development is to the side roofslope and set back from the front roofslope, therefore this is outside of the permitted development rights which have been removed.

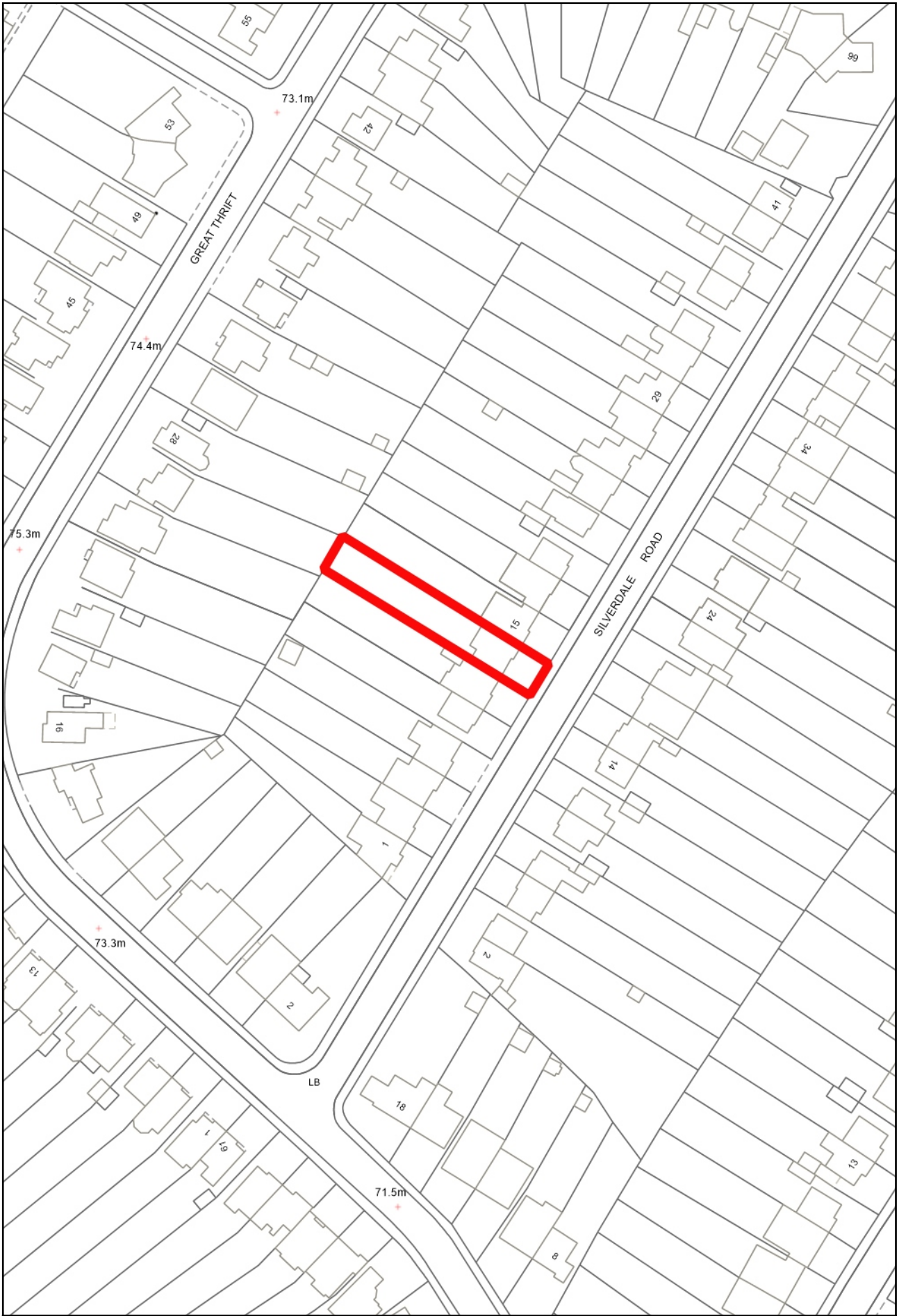
8. CONCLUSION

- 8.1 The proposed development falls within the scope of Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 8.2 The proposed development would not constitute an alteration or addition to the front roofslope that would be prohibited by the Article 4 Direction in place for the Petts Wood Area of Special Residential Character.
- 8.3 It is therefore considered that the certificate should be granted.


RECOMMENDATION: Proposed Use/Development is Lawful


Reason:

The proposal as submitted would constitute permitted development by virtue of Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Article 4 Direction, made 5th January 2017, did not have the effect of restricting these permitted development rights.




© Crown copyright and database rights 2020.
 Ordnance Survey 100017661.


20/03136/PLUD- 13 Silverdale Road



03 November 2020

1:1250


Page 45

This page is left intentionally blank

Agenda Item 4.5

Committee Date	12.11.2020		
Address	14 Silverdale Road Petts Wood Orpington BR5 1NJ		
Application Number	20/03262/PLUD	Officer - Emily Harris	
Ward	Petts Wood And Knoll		
Proposal	Part hip to gable loft conversion with front rooflights and rear dormer LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)		
Applicant	Agent		
Curran	Mr Mark Baker		
14 Silverdale Road Petts Wood Orpington BR5 1NH	12 Swift Avenue Finberry Ashford TN25 7GD		
Reason for referral to committee	Councillor call in		
	Call-In		Yes

RECOMMENDATION	Proposed Use/Development is Lawful
-----------------------	------------------------------------

<p>KEY DESIGNATIONS</p> <p>Area of Special Residential Character Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 4</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3	Not specified

Proposed	C3 (no change proposed)	37.62sqm (approximately) created in loftspace

Vehicle parking	Existing number of spaces	Total proposed spaces including retained	Difference in spaces (+ or -)
Standard car spaces	2	2	0
Disabled car spaces	0	0	0
Cycle	0	0	0

Electric car charging points	0
-------------------------------------	---

Representation summary	Neighbour letters issued –18.09.2020	
Total number of responses	0	
Number in support	0	
Number of objections	0	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development falls within the scope of Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The proposed development would not constitute an alteration or addition to the front roofslope that would be prohibited by the Article 4 Direction in place for the Petts Wood Area of Special Residential Character.

2. LOCATION

2.1 The application site comprises a two storey semi-detached dwellinghouse located on the south-eastern side of Silverdale Road, Petts Wood. The property, which is not listed, is subject to an Article 4 direction and lies within the Petts Wood Area of Special Residential Character (ASRC).

2.2 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.

2.3 Site Location Plan:

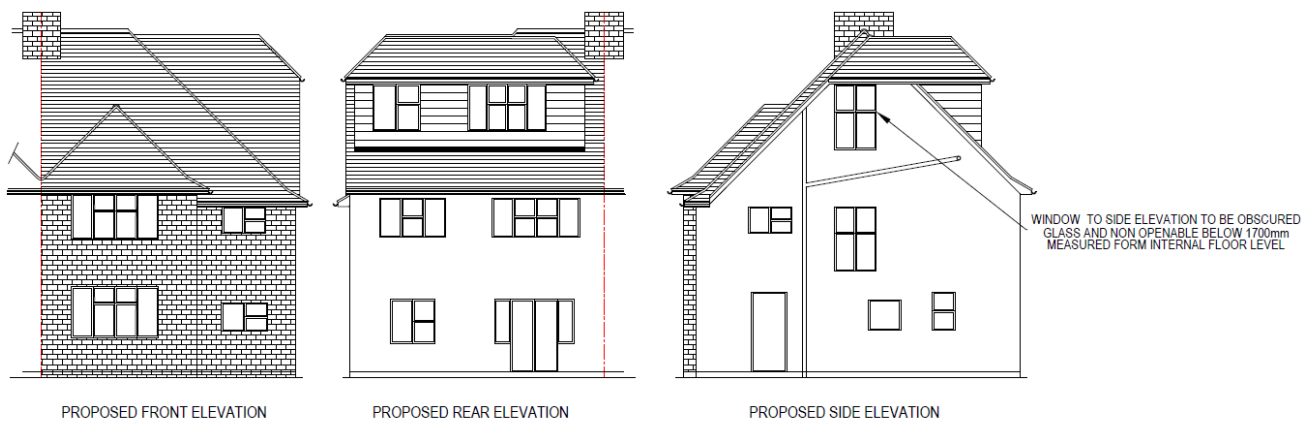


3. PROPOSAL

- 3.1 The application seeks a Lawful Development Certificate for roof alterations to incorporate a hip to gable roof enlargement, rear dormer extension and window to gable end elevation. The gable roof enlargement would be set back from the front roofslope.
- 3.2 Existing elevations:



3.3 Proposed elevations:



4. RELEVANT PLANNING HISTORY

There is no recent or relevant planning history on this site.

5. CONSULTATION SUMMARY

5.1 No requirement to consult any statutory consultees due to the nature of this application.

6. POLICIES AND GUIDANCE

- 6.1 The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and specifically whether any limitations/conditions of the Order are infringed.
- 6.2 Of relevance to the application is a recent appeal decision in relation to 40 Manor Way, Petts Wood (ref. APP/G5180/X/18/3212541) which proposed a similar roof enlargement with a setback gable roof enlargement, and had been refused by the Council as being in contravention with the Article 4 Direction in force in the area. The Appeal was allowed, with the Inspector finding that the appeal proposal would not constitute an "addition" to the front roofslope even though it enlarged the volume of the roof overall. Likewise the Inspector did not consider that the proposal would

constitute an "alteration" to the front roofslope as it makes no changes to it even though the front elevation of the property would appear differently.

7. ASSESSMENT

- 7.1 Class B permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. In this instance, the proposed hip and rear dormer extensions would fall within the scope of Class B and are considered to be permitted development for the following reasons:
- 7.2 The property is a single dwellinghouse and has not benefitted from any change of use under class M, N, P or Q.
- 7.3 The extension will not exceed the height of the highest part of the existing roof.
- 7.4 The extension would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.
- 7.5 The resulting extensions volume falls within 50 cubic metres allowed in the case of a semi-detached dwelling.
- 7.6 The proposal does not consist of or include a veranda, balcony or raised platform.
- 7.7 The house is not sited within a conservation area.
- 7.8 The materials proposed for the exterior are shown to be similar in appearance to those used in the construction of the roof of the existing dwellinghouse.
- 7.9 The dormer provides a minimum 0.2m, separation from the eaves of the dwelling.
- 7.10 The window located within the flank wall of the proposed is shown to be obscure glazed and non-opening below 1.7m from the internal floor level.
- 7.11 The proposal does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- 7.12 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, however in light of the decision in respect of 40 Manor Way it is not considered that the proposed hip to gable enlargement would constitute an alteration or addition to the front roofslope that would be prohibited by the Direction. The proposed development is to the side roofslope and set back from the front roofslope, therefore this is outside of the permitted development rights which have been removed.

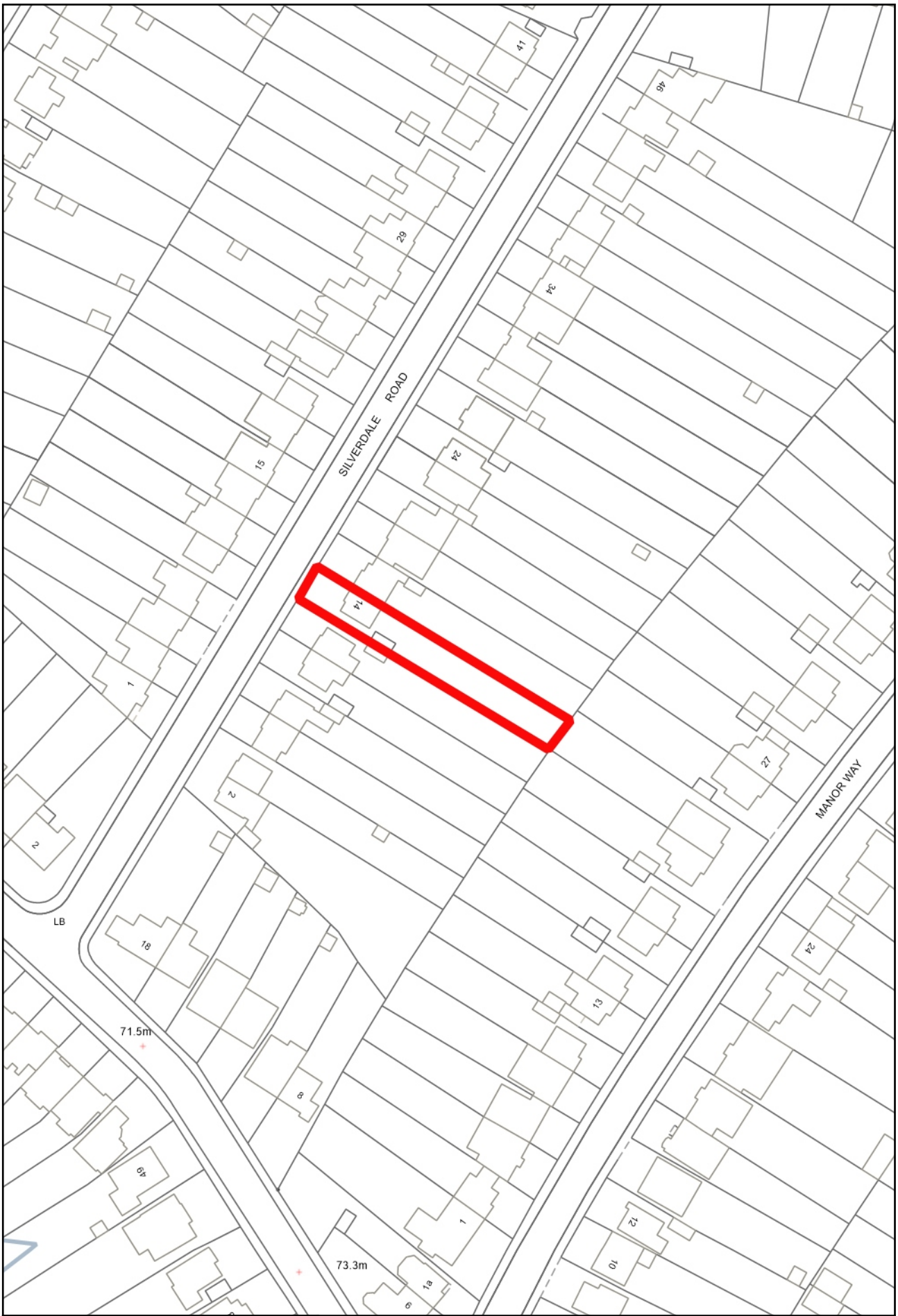
8. CONCLUSION

- 8.1 The proposed development falls within the scope of Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 8.2 The proposed development would not constitute an alteration or addition to the front roofslope that would be prohibited by the Article 4 Direction in place for the Petts Wood Area of Special Residential Character.
- 8.3 It is therefore considered that the certificate be granted.


RECOMMENDATION: Proposed Use/Development is Lawful


1. **The proposal as submitted would constitute permitted development by virtue of Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted**

Development) (England) Order 2015. The Article 4 Direction, made 5th January 2017, did not have the effect of restricting these permitted development rights.




© Crown copyright and database rights 2020.
Ordnance Survey 100017661.


20/03262/PLUD- 14 Silverdale Road



03 November 2020

1:1250


Page 53

This page is left intentionally blank