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DATE: 29 June 2021

To: Members of the  
**PLANS SUB-COMMITTEE NO. 3**

Councillor Katy Boughey (Chairman)  
Councillor Tony Owen (Vice-Chairman)  
Councillors Kevin Brooks, Christine Harris, Samaris Huntington-Thresher,  
William Huntington-Thresher, Charles Joel, Alexa Michael and Keith Onslow

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on  
**THURSDAY 8 JULY 2021 AT 7.00 PM**

**PLEASE NOTE: This meeting will be held in the Council Chamber at the Civic Centre, Stockwell Close, Bromley, BR1 3UH. Members of the public can attend the meeting to speak on a planning application (see the box on public speaking below).**

**There will be limited additional space for other members of the public to observe the meeting – if you wish to attend, please contact us before the day of the meeting if possible, using our web-form:**

<https://www.bromley.gov.uk/CouncilMeetingNoticeOfAttendanceForm>

**Please be prepared to follow the identified social distancing guidance at the meeting, including wearing a face covering.**

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](mailto:lisa.thornley@bromley.gov.uk) (telephone: 020 8461 7566) or [committee.services@bromley.gov.uk](mailto: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](mailto: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 5 MAY 2021 (Pages 1 - 6)

### 4 PLANNING APPLICATIONS

Report No.	Ward	Page No.	Application Number and Address
4.1	Bromley Common and Keston Conservation Area	7 - 24	(21/00491/FULL1) - 1 Beech Dell, Keston, BR2 6EP
4.2	Chelsfield and Pratts Bottom	25 - 38	(21/00566/FULL6) - 40 Warren Road, Orpington, BR6 6HY
4.3	Chislehurst	39 - 50	(21/00897/FULL6) - 25 Grove Vale, Chislehurst, BR7 5DS
4.4	Bromley Common and Keston	51 - 70	(21/01327/FULL6) - 23 Oakfield Lane, Keston, BR2 6BY
4.5	Bromley Common and Keston	71 - 90	(21/01353/FULL1) - 13B Cherry Orchard Road, Bromley BR2 8NE
4.6	Bromley Common and Keston	91 - 106	(21/01946/FULL6) - 8 Ebury Close, Keston, BR2 6EL

### 5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
5.1	Darwin	107 - 114	Land at the Back of Number 4 and Number 5 Leaves Green Crescent, Keston BR2 6DN

### 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. 3

Minutes of the meeting held at 6.27 pm on 5 May 2021

### Present:

Councillor Katy Boughey (Chairman)  
Councillor Tony Owen (Vice-Chairman)  
Councillors Kevin Brooks, Samaris Huntington-Thresher,  
Charles Joel, Alexa Michael, Keith Onslow, Angela Page  
and Kieran Terry

### 26 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence; all Members were present.

### 27 DECLARATIONS OF INTEREST

Councillor Terry declared a non-pecuniary interest in Item 4.1 as he resided in close proximity to the application property. He did not take part in the discussion or vote.

### 28 CONFIRMATION OF MINUTES OF MEETING HELD ON 4 MARCH 2021

Minute 25.1 – (20/01663/FULL1) – 9 St Clare Court, Foxgrove Avenue, Beckenham BR3 5BG

Prior to this meeting, Ward Member for Coper's Cope, Councillor Russell Mellor, formally requested that the decision taken by the Committee be acknowledged with appreciation from himself and the residents of Clare Court. The decision was considered to be appropriate and revealed a great depth of understanding of the problems posed by the application.

**RESOLVED that the Minutes of the meeting held on 4 March 2021 be confirmed and signed as a correct record.**

### 29 PLANNING APPLICATIONS

**29.1 CHISLEHURST (20/04052/FULL6) - 12 Beechwood Rise, Chislehurst BR7 6TJ**

Description of application – Loft conversion with rear dormer extension with 2 Juliet balconies, conversion of garage to habitable accommodation with change of existing front garage door into a window, new front porch and 2 number sheds/outhouse to rear garden – amendments to previous permitted application ref. 18/05087/FULL6 (RETROSPECTIVE).

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

As the application was submitted under a different address, Councillor Joel asked if the application was valid. The Legal Representative advised that the Planning Administration Team would have checked that the application was accompanied by a certificate stating that the applicant had served notice on the owner of the land. Provided this had been done and fees had been paid, the application would be valid.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report and any other planning condition(s) considered necessary by the Assistant Director of Planning (circulated to Members). Condition 3 in the recommendations was amended to read:-

'3 The proposed window(s) in the flank elevation and rear en-suite bathroom window which are to be obscure glazed to a minimum of Pilkington privacy Level 3 and are to be non-opening below 1.7 metres above the floor of the room in which the window is installed, shall be permanently retained in accordance as such for perpetuity.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies 37 and 6 of the Bromley Local Plan.

**29.2  
HAYES AND CONEY HALL**

**(20/04744/FULL1) - Coney Hall Recreation Ground,  
Layhams Road, West Wickham**

Description of application – Creation of a curved chalk butterfly bank with flat chalk area in front and the erection of a temporary boundary fence..

The Head of Development Management reported that paragraph 8.1 on page 41 of the report incorrectly referred to the application site as being in the conservation area. While it was situated on Green Belt land, it was not in the conservation area. In regard to paragraph 7.2.13 on page 41, it was noted that the application site was a recreation ground; there was no host property.

Members having considered the report, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report and any other planning condition(s) considered necessary by the Assistant Director of Planning.

**29.3  
PETTS WOOD AND KNOLL**

**(21/00140/FULL6) - 4 Maple Close, Petts Wood, Orpington BR5 1LP**

Description of application – First floor extension to existing single storey side and rear extension.

Members requested that a condition to remove all PD rights be added and that condition 4 be made more specific in regard to matching materials.

Members having considered the report and objections, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report and any other planning condition(s) considered necessary by the Assistant Director of Planning. Condition 4 was amended to read:-

'4(a) Prior to commencement of above ground works, details 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. The details shall show materials to match the existing dwelling including use of facing brickwork to the first floor.

(b) The development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.'

The following condition was added:-

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 building, structure, extension, enlargement or alteration permitted by Class A, AA, 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 37 of the Bromley Local Plan.

**29.4  
SHORTLANDS**

**(21/00368/FULL6) - 89 Queen Anne Avenue,  
Shortlands, Bromley, BR2 0SE**

Description of application – Erection of a tree house  
RETROSPECTIVE.

Concerns were raised in regard to the height of the tree house which had been constructed against the boundary fence and overlooked the neighbouring garden. There was no space in between to erect any type of screening.

It was reported that Ward Member Councillor Cooke had raised objections to the proposal.

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

1 The tree house, by reason of its height and siting, results in an intrusive form of development which is detrimental to the residential amenities and privacy of the neighbouring occupiers; thereby contrary to Policy 37 of the Bromley Local Plan.

**29.5  
COPERS COPE  
CONSERVATION AREA**

**(21/00429/FULL1) - 2 Southend Road, Beckenham,  
Kent BR3 1SD**

Description of application – Erection of a single storey storage structure to side with existing balcony to be extended above this space and rear single storey storage shed ancillary use to restaurant. PART  
RETROSPECTIVE.

The Head of Development Management reported that this application was part retrospective and the side element would be modified with a new flat roof and a balustrade provided for an enlarged terrace. In terms of that element he advised Members to consider a

shorter time period of one year for implementation. An Enforcement Notice had been served for the removal of the structures, however, if permission was granted and the side element implemented within the stipulated time period, the Notice would be withdrawn. The single storey rear element was acceptable but a condition should be added to ensure it was finished with materials that matched the existing building. This should also be implemented within one year.

Members having considered the report, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report and any other planning condition(s) considered necessary by the Assistant Director of Planning. Condition 1 was amended to read:-

'1 The single storey storage structure to the side hereby approved must be begun not later than the expiration of 1 year, beginning with the date of this decision notice.

Reason: To comply with Section 91, Town and Country Planning Act 1990 and to ensure the timely implementation of the planning permission in view of the outstanding enforcement notice at the site.'

The following condition was added:-

4 The rear single storey storage shed hereby approved shall be finished in materials to match existing building, within 1 year of the date of this decision notice.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

#### Any Other Business

As this was the final meeting of the Plans 3 Sub-Committee for the Municipal Year, the Chairman expressed her gratitude to Members and officers for their commitment and diligence.

The meeting ended at 7.13 pm

Chairman

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# Agenda Item 4.1

<b>Committee Date</b>	08.07.2021		
<b>Address</b>	1 Beech Dell Keston BR2 6EP		
<b>Application Number</b>	21/00491/FULL1	<b>Officer</b> - Louisa Bruce	
<b>Ward</b>	Bromley Common And Keston		
<b>Proposal</b>	Demolition of existing house and outbuildings and replacement three storey detached house with garage in basement. Garden pavilion. New terrace area together with associated hard and soft landscaping. New driveway with three parking bays.		
<b>Applicant</b> Mr Adil Adil	<b>Agent</b> Mr Robert Colley		
1, Beech Dell Keston BR2 6EP	Nepicar House London Road Wrotham Heath Sevenoaks TN15 7RS		
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b> Yes	

<b>RECOMMENDATION</b>	Application Refused
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Keston Park</p> <p>Biggin Hill Safeguarding Area</p> <p>London City Airport Safeguarding</p> <p>Smoke Control SCA 14</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
	C3	371

Existing		
Proposed	C3	1620

<b>Vehicle parking</b>	Existing number of spaces	Total proposed spaces including retained	Difference in spaces (+ or -)
Standard car spaces	5	8	+3
Disabled car spaces	0	0	0
Cycle	0	0	0

<b>Electric car charging points</b>	Percentage or number out of total spaces 0
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<b>Representation summary</b>	Site notice displayed 1 <sup>st</sup> March 2021. Residents notified of application on 24 <sup>th</sup> February 2021	
Total number of responses	3	
Number in support	0	
Number of objections	3	

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

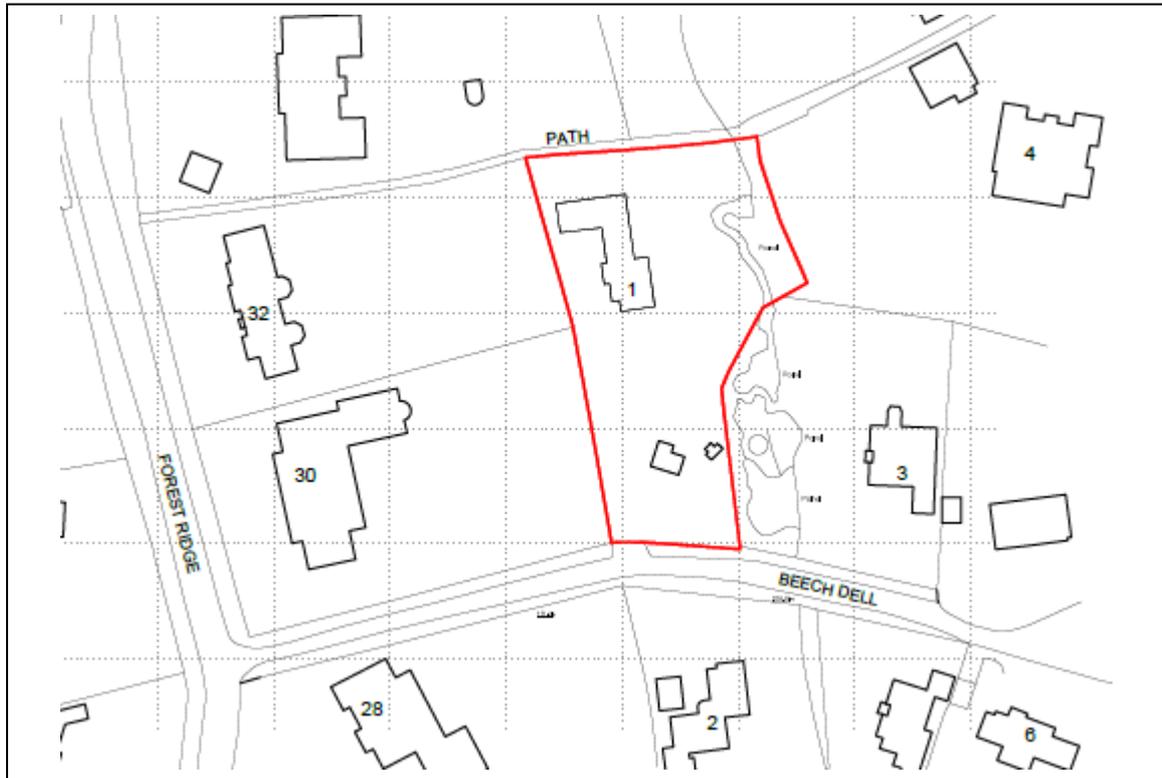
- **The demolition of the existing property would deprive the immediate vicinity of an attractive building and harm the character and appearance of the Conservation Area.**
- **The proposed replacement building by reason of its design, massing and use of materials would be detrimental to the character and appearance of the Keston Park Conservation Area, and would therefore represent an inappropriate and visually obtrusive development that would neither preserve or enhance the character and appearance or the visual amenities of the conservation area.**

## 2. LOCATION

- 2.1 The site comprises an existing two storey thatched detached property with a garage linked at first floor. The property is set back from the road by approximately 45m with a summer and pool house to the front. The existing house itself is located on a relatively flat area, however to the side, the gardens steps then slopes down towards the pond and then rises back up through the trees to the side boundaries.
- 2.2 1 Beech Dell is a residential road within the Keston Park Conservation Area and the surrounding area is predominately characterised by large wide fronted detached properties on deep plots with private drives and off-road parking. The surrounding area comprises a range of architectural styles

and materials ranging from Arts & Craft and mock Tudor through to Georgian symmetry and some contemporary houses. There are a variety of styles seen in the nearby street scenes, creating a varied surrounding context.

- 2.3 The property lies within the Keston Park estate and also within the Keston Park Conservation Area.





### 3 PROPOSAL

- 3.1 Planning permission is sought for the demolition of existing detached property and outbuildings and replacement with a three storey detached house with garage in basement. Garden pavilion. New terrace area together with associated hard and soft landscaping. New driveway with three parking bays.
- 3.2 The accompanying Design and Access Statement sets out at paragraph 4.1.1 *“in keeping with many other properties across the Keston Park estate, this is going to be a ‘large’ luxury house. The existing house GIA is 371m<sup>2</sup> and the proposed one will be 1620m<sup>2</sup>”*. This represents an increase of 1,249m<sup>2</sup>.
- 3.3 The proposed new dwellinghouse will be located roughly in the same location as the existing albeit extended further eastwards and northwards across the site. The dwellinghouse will consist of a basement, ground and first floor.
- 3.4 The style of the house will be contemporary and will have a flat roof design. Paragraph 4.4.1 of the accompanying Design and Access Statement sets out that the *“design of the house is intended to be architecturally striking to significantly enhance its immediate setting and wider surroundings”*. The driveway is proposed to be widened nearer the house to allow vehicles to sweep around and drive back out onto Beech Dell facing forwards. Additional parking will also be provided for another 3 cars.
- 3.5 The new property is intended to be finished with innovative brick products, high quality glazing and black marble cladding and Portland stone. There will also be some painted render, cedar cladding and weatherboarding. At ground and first floors, large format glazing systems will be the predominant material, particularly to the front and eastern elevations and framed by Portland stone soffits. The glazing is interspersed with large format natural black marble panels. The basement level is generally finished with a dark natural stone walling. To the rear, a high quality black mortarless brick will be used. The entrance complete with overhead canopy and door is finished in black quartzite marble.
- 3.6 At ground floor to the eastern elevation there will be a large feature terrace which will also act as a roof to the basement accommodation. The terrace will feature raised tops carrying water around the perimeter of the property.



#### **4. RELEVANT PLANNING HISTORY**

- 4.1 Under planning application ref:- 14/04011/PLUD a Lawful Development Certificate was granted for a replacement tiled roof.
- 4.2 Under planning application ref:- 97/00517/FUL planning permission was granted for an entrance gate, brick piers and arch (Retrospective Application).
- 4.3 Under planning application ref:- 96/02118/FUL planning permission was refused for brick piers entrance, gates and arch (Retrospective Application).
- 4.4 Under planning application ref:- 94/01752/CON planning permission was granted for demolition of detached triple garage (Conservation Area Consent).
- 4.5 Under planning application ref:- 94/01746/FUL planning permission was granted for a two storey rear and single storey front/side and side extensions.

#### **5. CONSULTATION SUMMARY**

##### A) Statutory

##### APCA

##### Objections:

The existing property is one which exemplifies the character of the Conservation Area for which it was designated and makes a more than positive contribution. We strongly oppose demolition.

While we appreciate the modern design of the replacement property which could be welcome as a replacement of a non contributory building and without harm to the immediate environment it is entirely out of scale and character with the Conservation Area and we recommend refusal.

Policies: LP 37 & 41

##### SPG – Positive contribution

*“3.3 The nature of the Park is such that the re-development (demolition and replacement) of individual dwellings may be possible if the proposal involves the replacement of a house that does not make a positive contribution to the character and appearance of the Park.”*

*“3.19 There are a number of buildings that make a positive contribution towards the character or appearance of the estate. Every effort should be made to retain these buildings and to ensure that characteristic details are not lost.”*

##### Conservation Officer

I agree with APCA comments. In my view under the NPPF levels of harm, this proposal causes substantial harm to the designated heritage asset (the Conservation Area). I also consider that this house is a non-designated heritage asset and this proposal causes substantial harm to that as well and I see no particular justification made for this proposal.

The SPG says:

“3.3 The nature of the Park is such that the re-development (demolition and replacement) of individual dwellings may be possible if the proposal involves the replacement of a house that does not make a positive contribution to the character and appearance of the Park.

“3.19 There are a number of buildings that make a positive contribution towards the character or appearance of the estate. Every effort should be made to retain these buildings and to ensure that characteristic details are not lost.”

In my view this house does make a positive contribution to the character and appearance of the Park.

The heritage statement contains only one photograph of the front of the house and a partial view down the drive. However, there are more photographs available on the Architects Site Photos Report. The architectural description of the house is limited to historic map regression which dates a house to the 1930s and a brief additional paragraph (3.8 – Heritage Statement).

Interestingly 3.9 states: “Mock Tudor style houses were widespread by the 1920s and 1930s as a traditional choice for architectural idiom that had evolved from earlier Arts & Crafts era”. This does in my view highlight the importance as they have now become quite a rare survival.

This particular house displays an attractive thatched roof and applied (and interestingly structural) timbers with unusual brick banded chimneys and attractive leaded light windows.

Highways – No objections

Drainage - There is no public surface water sewer near the site, so the applicant is required to make his own arrangement as how to dispose of surface water run-off. Please impose PC06 (Sustainable Urban Drainage).

Thames Water – No objections subject to standard conditions and informatives.

Environmental Health – No objections subject to standard conditions and informatives

Trees

The application site is located in the conservation area, applying broad tree protection. An Arboricultural Report has been supplied in support of the scheme. Trees constraints have been identified and the proposal could be carried out in accordance with British Standard principles.

The dwelling itself is an unusual design, but I can see that retained trees could be incorporated well. I would like to see more detail in the form of a method statement and a landscape plan. I would therefore recommend the following conditions be applied to any forthcoming planning permission:

1. AG02 (Detailed landscaping works)
2. PC02 (Tree Protection Plan).

## **B) Local Groups**

None

## **C) Adjoining Occupiers**

Nearby owners/occupiers were notified of the application and several letters of representation were received, which can be summarised as follows:-

### Objection

- In relation to this planning application, the South East elevation shows 2 glass balconies and two floor to ceiling glass walls overlooking the rear of my property. I think invades the privacy of my house and would like to see at least the top floor balcony removed and the glass obscured to prevent the impact on both their privacy and mine.
- Loss of privacy and site density. The proposed site plan substantially extends the footprint of the existing property and results in a high density site.
- Principal concern relate to the terrace from bedroom 5 and substantial glazing on the first floor plan (drawing PD06).
- Whilst supportive of the redevelopment of the site and design approach not supportive of the first floor terraces.

Full copies of all the objections can be viewed on-line.

## **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 (Mar 2021). The NPPF does not change the legal status of the development plan.

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

#### London Plan Policies

- D4 Delivering good design
- D5 Inclusive Design
- HC1 Heritage conservation and growth
- G7 Trees and woodlands
- T6 Car parking

#### Bromley Local Plan

- 4 Housing Design
- 30 Parking
- 37 General Design of Development
- 41 Conservation Areas
- 43 Trees in Conservation Areas
- 73 Development and Trees

#### Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- Keston Park Supplementary Planning Guidance

## **7. ASSESSMENT**

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

- The loss of the existing dwelling
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the conservation area.
- Impact on the amenity of neighbouring properties
- The quality of living conditions for future occupiers
- Highways and traffic Issues
- Impact on trees within the site

### 7.2 Principle, Design and Conservation.

7.2.1 Paragraph 56 of the NPPF, indicates that, in general, the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, which is indivisible from good planning. In addition, it is acknowledged that paragraph 60 seeks that planning policies and decisions do not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative; however, it is proper to seek to promote or reinforce local distinctiveness. Paragraph 64, further states that permission should be refused for development of poor design that fails to take the opportunities

available for improving the character and quality of an area and the way it functions.

- 7.2.2 Policy 41 (Conservation Areas) 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; respect 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.
- 7.2.3 The Keston Park Conservation SPG details that the Council will expect all proposals for new development to conform with the highly dispersed and wooded character of the conservation area, and with the approach taken by surrounding dwellings, especially in regard to the scale and height of construction, location within a plot (where material), design and materials used.
- 7.2.4 Further references detail that houses have tended to be of traditional construction and employ materials that pay reference to building types of past ages. Timber framed construction, weatherboarding, red brick elevations and tile hanging are all found on the estate, where design and construction has tended to be influenced by the Arts & Crafts movement.
- 7.2.5 Furthermore the Council will advise in any given case whether it feels a building makes a positive contribution. Where a building is not identified in this way, there is no obstacle in principle to its demolition and replacement, subject to the satisfactory design of a replacement and the submission of a detailed landscape proposal, demonstrating that any replacement dwelling would sit well within the established "strong landscape framework". Particular attention should be given to the maximising of front and side space and reducing the visibility of the proposed dwelling from neighbouring properties.
- 7.2.6 Paragraph 132 of the NPPF states that "as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". Paragraph 135 also states that "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". The applicant has submitted a Heritage Statement in support of the application. This document states that 1 Beech Dell is designed in a mock Tudor style with rough cast cement infill panels between both structural and false applied timber framing elements painted black and white and with a thatched roof. The property is assessed as being a neutral contributor to the Conservation Area. It is not considered part of the original layout of the Conservation Area's development and it much altered from its original structure being very secluded and tucked away.
- 7.2.7 The existing house dates from the early phase of development of Keston Park and appears on the 1933 OS Map. The house is designed in a mock Tudor

style with timber framing which is painted black and white with a thatched roof. Although it may be argued that it is not of an exceptional design, it sits well in its context, and it is the original building in combination with the mature landscaped grounds that makes a positive contribution to the conservation area. It is not considered that the submitted Heritage Statement adequately justifies the loss of the existing building, and given the above policy and supplementary guidance the tests in terms of allowing demolition have not been met. The building is in good repair and functions as a dwellinghouse currently and there are no public benefits to be gained in its demolition and replacement. Accordingly, the principle of demolition and redevelopment on this site is not considered acceptable.

- 7.2.8 In terms of the replacement building, a proposal would only be acceptable if it respects the existing characteristics of the conservation area as detailed in the SPG. In addition, paragraph 131 indicates "the desirability of new development making a positive contribution to local character and distinctiveness". Concerns have been raised by the Council's Conservation Officer, APCA and locally with regards to the design and materials of the new building. The submitted documents show a replacement dwelling very box like and very utilitarian, which does not respond well to the context. In addition, although the existing plot is substantial and may accommodate a larger dwelling than existing, given the increased mass and scale of the building along with the inappropriate design, it would appear at odds with the character and scale of most of the houses in the vicinity. The proposed garden pavilion, new terrace and associated hard and soft landscaping is not considered to look out of keeping when considered as part of the context of the site.
- 7.2.9 It is noted that there are replacement houses that have been granted planning permission in the Keston Park in recent years, some of which have a more contemporary appearance. However, each case is considered on its own merits in this regard, and notwithstanding the unacceptable loss of the existing dwelling, the replacement dwelling submitted here is not considered to either preserve or enhance the conservation area.
- 7.2.10 In respect of the proposed alterations to the existing two storey dwellinghouse it has an attractive thatched roof. The Conservation Officer considers that Mock Tudor style houses were widespread by the 1920s and 1930s as a traditional choice for architectural idiom that had evolved from earlier Arts & Crafts era". This does in their view highlight the importance as they have now become quite a rare survival.
- 7.2.11 The proposed three storey house will double the footprint of the existing property and look very modern compared to the existing dwellinghouse. The new property would be built from modern materials with a large expanse of glass on all sides. The new dwellinghouse is not considered to make a positive contribution to the character and appearance of the Park.

### 7.3 Standard of new accommodation

- 7.3.1 Table 3.1 of the London Plan (2021) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 7.3.2 The submitted floor plans and internal layout indicates that the dwelling would benefit from 6 bedrooms. The minimum gross internal floor area (GIA) including storage, as required by the Technical housing standards - nationally described space standard (2015) and Mayor's Housing Supplementary Planning Guidance (2016) for a 3 storey 6-bedroom dwelling for 8 persons (the largest indicated within this guidance), is 138m<sup>2</sup>. As such, the total GIA for the property would be around 1620m<sup>2</sup> which is well above that required.
- 7.3.3 The indicated shape, room size and layout of the rooms in the proposed building is considered satisfactory. The Council's Environmental Health Officer has raised no objections to the proposed internal layout of the property which includes a basement level. All habitable rooms would appear to have satisfactory levels of light and outlook. Accordingly, the standard of accommodation provided is considered acceptable in planning terms.
- 7.3.4 In terms of amenity the considerable proportions of the garden space provide a substantial quality space for the purposes of the potential number of occupiers of a six bedroom family dwellinghouse.
- 7.3.5 Notwithstanding the acceptability of the dwelling size standards of the building proposed, this does not outweigh the issues raised previously as detailed above.

### 7.4 Impact on Adjoining Properties

- 7.4.1 Notwithstanding the impact on the general visual amenities of the area as outlined above, Policy 37 of the Bromley Local Plan also seeks that the development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.
- 7.4.2 Several letters of objections have been received from the surrounding properties which have been summarised in the section above. One of the main concerns appears to lie with regards to the size and siting of the replacement dwelling and the increase in the number and size of windows and balconies leading to overlooking and loss of privacy.
- 7.4.3 The replacement dwelling would be located more centrally within the site than the existing house, which would result in it being closer to the eastern boundaries shared with No.3 Beech Dell and No.3 and 4 Pine Glade. A roof terrace is shown with a patio area. It is noted that a distance of around 50-70m would still be maintained to the eastern boundary and a separation distance

of 40-50m to the western and northern boundaries (shared with No's 30-34 Forest Ridge). There is also a significant amount of vegetation including a number of mature trees that lie within and around the site that are shown to remain and would provide some screening.

- 7.4.4 It is noted that particular concern has been raised with regards the increase in windows to the south and eastern elevations. Whilst the concerns raised by the neighbouring properties are acknowledged, it is considered that the combination of the separation to neighbouring properties and the existing and proposed boundary screening would not result in such significant overlooking as to warrant a refusal on this basis.

## 7.5 Access and car parking

- 7.5.1 The existing driveway will be widened and allow for three angled parking bays to the western edge of the site for visitors. Further parking for the occupants is also shown within the basement of the property. The Highways Officer has raised no objections to the parking arrangements.

## 7.6 Trees

- 7.6.1 Policy 73 (Development and Trees) of the Council's Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Policy 43 (Trees in Conservation Areas) also relates specifically to trees in conservation areas, which are afforded additional protection.

- 7.6.2 The application is accompanied by a tree survey which indicates the existing tree constraints. Whilst concerns have been raised locally with regards to the impact of the development on trees within and surrounding the site, the Council's Principal Tree Officer has advised that the submitted information satisfactorily indicates that the development can proceed with precautionary measures being adopted, subject to an appropriate tree protection condition.

## 7.7 Sustainability and Energy

- 7.7.1 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. Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy. The Design and Access statement does not indicate any use of any green technologies but their use would be encouraged.

## 7.8 CIL

7.8.1 The Mayor of London's and the London Borough of Bromley's CIL is a material consideration. The proposal is both local and Mayoral CIL liable.

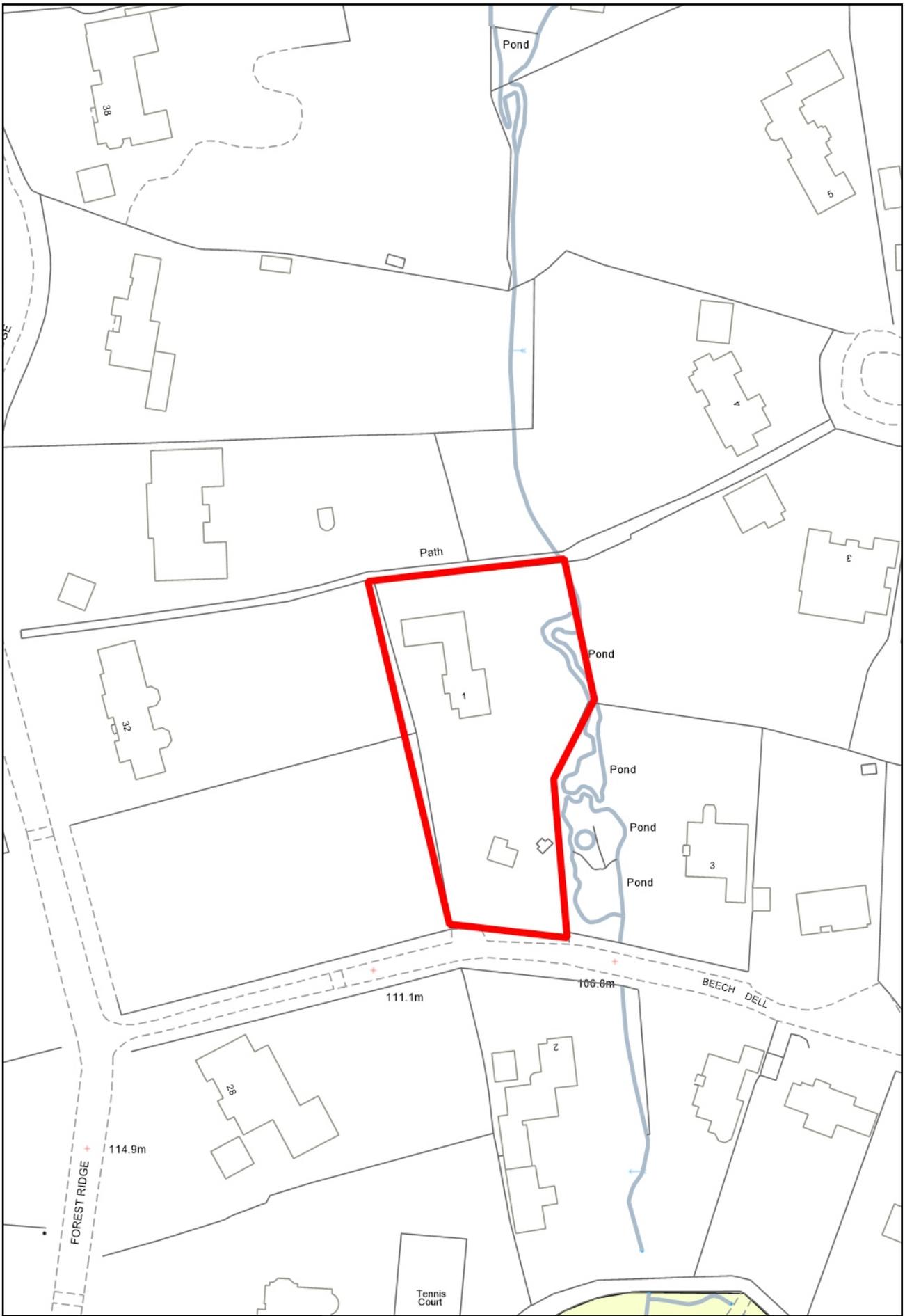
## 7.9 Conclusion

7.9.1 The existing building is a two-storey Mock Tudor dwelling which typifies the original concept of the park, and its historic appearance and setting contributes to the value of the retention of the older buildings in Keston Park Conservation Area. Its demolition would deprive the immediate vicinity of an attractive building and harm the character and appearance of the Conservation Area generally. Furthermore, the proposed replacement development by reason of its modern design, mass and scale would be detrimental to the character and appearance of this part of the conservation area, representing an inappropriate and visually obtrusive development that would neither preserve or enhance the character and appearance or the visual amenities of the conservation area. The proposal is therefore considered to be contrary to Policies 4, 37 and 41 of the Bromley Local Plan, as well as the Keston Park Conservation Area and policies D4 and HC1 of the London Plan and NPPF.

### **RECOMMENDATION: REFUSE**

1. The existing building is a two-storey Mock Tudor style dwelling which typifies the original concept of the park, and its historic appearance and setting contributes to the value of the retention of the older buildings in Keston Park Conservation Area. Its demolition would deprive the immediate vicinity of an attractive building and harm the character and appearance of the Conservation Area generally, thereby contrary to Policy 41 of the Bromley Local Plan and Policy HC1 of the London Plan and National Planning Policy Framework.
2. The proposed replacement building by reason of its design, massing, scale use of modern materials would be detrimental to the character and appearance of the Keston Park Conservation Area, and would therefore represent an inappropriate and visually obtrusive development that would neither preserve or enhance the character and appearance or the visual amenities of the conservation area, thereby contrary to Policies 4, 37 and 41 of the Bromley Local Plan and Policy HC1 of the London Plan.

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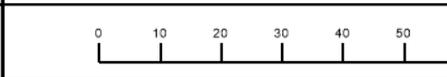
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Ordnance Survey 100017661.

 21/00491/FULL1



29 June 2021

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Page 23

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# Agenda Item 4.2

<b>Committee Date</b>	08.07.2021	
<b>Address</b>	40 Warren Road Orpington BR6 6HY	
<b>Application Number</b>	21/00566/FULL6	<b>Officer</b> – Robin Evans
<b>Ward</b>	Chelsfield And Pratts Bottom	
<b>Proposal</b>	Detached garage and hardstanding to the front, ground floor front and rear extensions, roof extensions including increase in ridge height, hip to gable extensions and side dormers to create additional habitable rooms in the roof, first floor balcony and single storey detached rear outbuilding.	
<b>Applicant</b> Jayaraj Theenathayalan	<b>Agent</b> Mr Tony Oyenuga	
40 Warren Road Orpington BR6 6HY	59 Edward Tyler Road Grove Park London SE12 9QE	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b> Yes

<b>RECOMMENDATION</b>	Application Permitted
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KEY DESIGNATIONS  Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 28
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<b>Representation summary</b>	Neighbour letters sent: 05.03.21
Total number of responses	2
Number in support	0
Number of objections	2

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not impact detrimentally on the character of the area,
- The development would not have a significantly harmful impact on the amenities of neighbouring residents,
- The development would not have harmful highway impacts.

## 2. LOCATION

2.1 The application site is No. 40 Warren Road, Orpington, a detached single storey bungalow located on the southern side of the highway. This part of Warren Road is split into two channels/spurs with a central reservation. The main part of the dwelling is a pyramid hipped bungalow measuring approximately 11m x 9m, a roof formation measuring approximately 3.3m with a total ridge height of 6m to the ridgeline. It has single storey front garage projecting approximately measuring 2.7m beyond the front wall and rear extension projecting approximately 4.7m beyond the rear wall; both measuring approximately 2.7m high just below the eaves of the main roof. The dwelling is set back from the highway and set back behind the front elevation of the neighbouring properties. The land rises up from the highway towards the south, towards the dwelling and continuing onwards towards the rear boundary, with a retaining earth bank and vegetation between the dwelling and the highway. The area is residential in nature, the southern side of the highway is characterised mostly by older individually designed detached single storey bungalows and detached dwellings set within spacious and well landscaped plots, whereas the northern side has a mixture of later detached and semidetached two storey dwellings of a more consistent design and overall pattern of development. Many of the dwellings have been altered and extended. The site does not lie within a Conservation Area or an Area of Special Residential Character.



Fig 1. Site location plan.



Photo 1. Front of site from the highway.



Photo 2. Front elevation within the site.



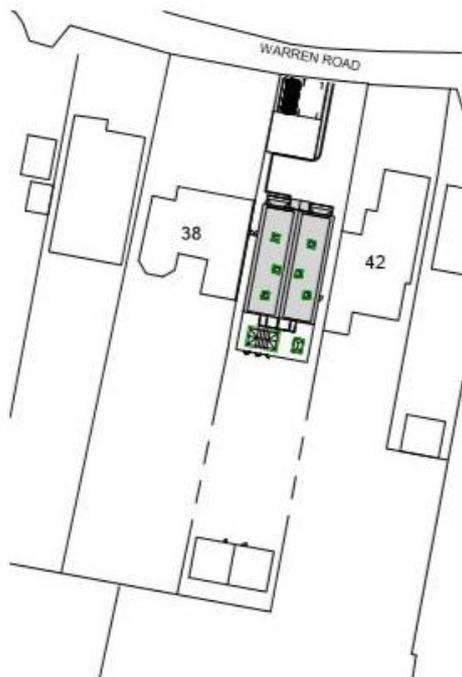
Photo 3. View towards No. 42



Photo 4. Rear elevation within the site.

### 3. PROPOSAL

- 3.1 Planning permission is sought for erection of front and rear extensions, roof extensions incorporating raised ridge height, gable ended additions and side dormers to form roof accommodation, first floor rear balcony, erection of rear outbuilding and excavation of front earth bank and erection of garage and formation of hard surfacing.



**Block Plan**

1 : 500

Fig 2. Proposed block plan.

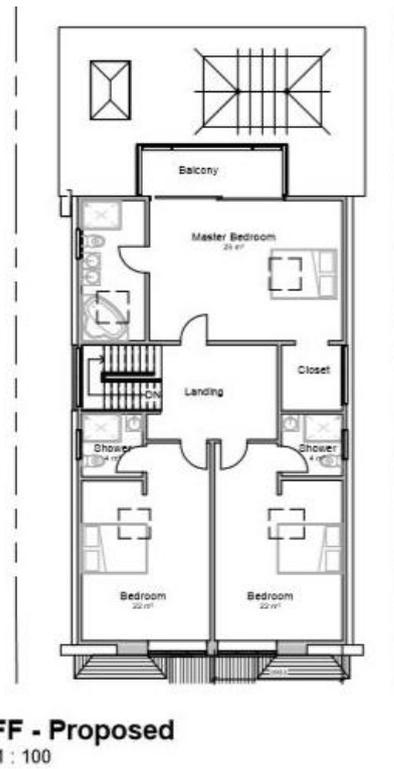
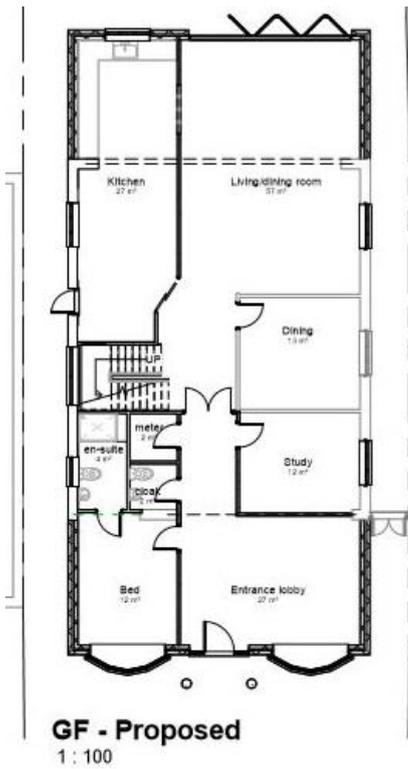


Fig 3. Proposed floor plans.

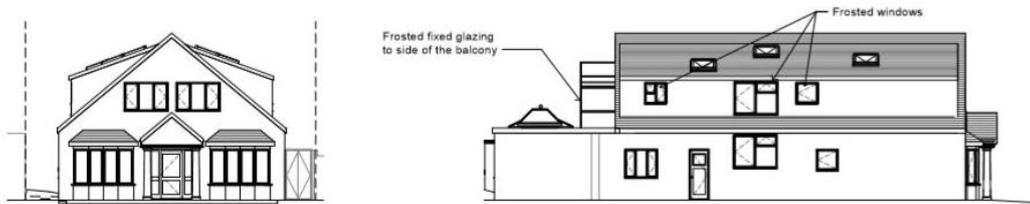


Fig 4. Proposed front (north) and side (east) elevations.

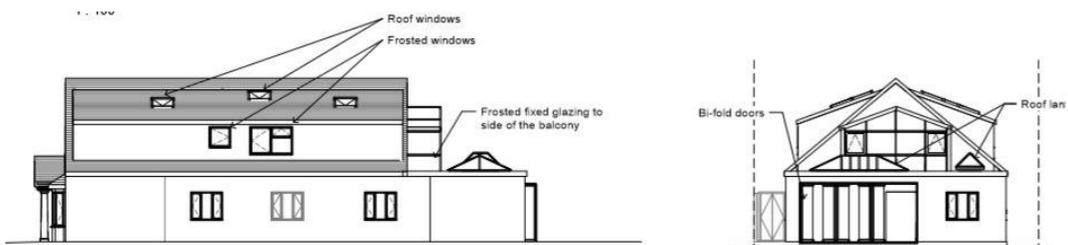


Fig 5. Proposed rear (south) and side (west) elevations.

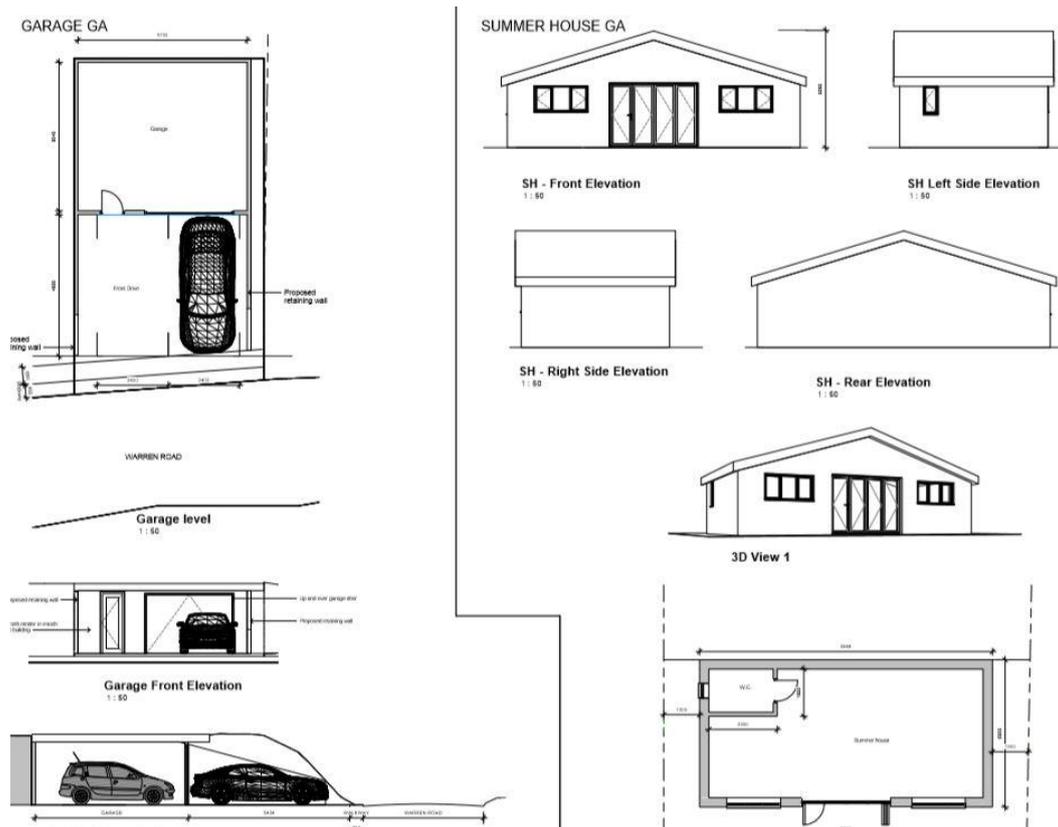


Fig 6. Proposed garage and garden building.

#### 4. RELEVANT PLANNING HISTORY

4.1 No relevant history

#### 5. CONSULTATION SUMMARY

##### A) Statutory

##### 5.2 Highways – no objection

There is no footway in this section of Warren Road requiring pedestrians to walk on the highway. The proposed garage would not appear to measure 6m in deep in order to accommodate a vehicle in accordance with the Council’s standards. Nonetheless, the proposal shows parking spaces in front of the proposed garage which on balance would provide sufficient parking for the property. Furthermore, the amended scheme would provide sufficient space for parking a vehicle so that it would not overhang the highway and allow space for the driver/occupant(s) to walk from the parking space to the dwellinghouse without walking in the highway. No objection subject to recommended conditions/informatives.

##### B) Local Groups

5.3 n/a

##### C) Neighbouring occupiers

5.4 Objections

#### 5.4.1 General

- Development has not been discussed with neighbours,
- Application details are incorrect and do not contain a statement describing the development,

#### 5.4.2 Design

- Existing mature trees have already been removed in preparation for the works harmful to the character of the area,
- Footprint would be substantially enlarged and extend beyond neighbouring properties/building line,
- Front porch would be overly elaborate,
- Size, scale height and bulk of the upper floor house extensions and increased ridge height would be excessive and over dominant, overdeveloping the existing modest bungalow and plot, with insufficient spacing causing a cramped appearance,
- The bulky and modern design and stark materials would be out of keeping with traditional dwellings in the locality (other developments were required to match),

#### 5.4.3 Neighbouring amenity

- Size, scale height and bulk of the upper floor house extensions and proximity to neighbours would cause overshadowing and loss of outlook from habitable rooms and garden and would be unattractive,
- No existing side flank windows and proposed new side flank windows would overlook neighbours,
- Rear balcony feature would cause overlooking to neighbours,
- Size of garage and outbuilding would be excessive and would overdevelop the plot,
- Size of rear outbuilding together with raised ground level would cause loss of outlook, loss of views overlooking to neighbours,

#### 5.4.4 Highways and parking

- Proximity of the garage to highway would cause cars parked in front to overhang and cause obstruction, harmful to highway and pedestrian safety,
- Construction process and removal of earth bank would cause disruption and highway hazard,

#### 5.4.5 Other

- Needs retaining walls/structures to maintain land stability,
- An existing electricity line would be removed/replaced satisfactorily and at Applicant/Developers expense,

## **6. POLICIES AND GUIDANCE**

### **6.1 National Policy Framework 2019**

### **6.2 NPPG**

### **6.3 The London Plan**

D4 – Delivering good design

### **6.4 Bromley Local Plan 2019**

6 Residential Extensions  
8 Side Space  
30 Parking  
32 Road Safety  
37 General Design of Development  
73 Development and Trees

## **6.5 Bromley Supplementary Guidance**

SPG1 – General Design Principles

SPG2 – Residential Design Guidance

## **7. ASSESSMENT**

### **7.1. Procedural matters**

7.1.1 The application details are clear and sufficient enough to enable the Council to determine the proposal.

7.1.2 Although Applicant/Developer engagement with neighbours is desirable it is not compulsory. The Council has carried out notification/consultation in accordance with its adopted standards including writing to properties that directly adjoin the application site.

### **7.2 Design and landscaping – acceptable**

7.2.1 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. 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.

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

7.2.3 Policies 6, 37 and 73 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 including trees and landscaping that contribute towards the character and appearance of the area.

7.2.4 It is noted that there is a staggered building line in this part of Warren Road and the dwellings are varied in design. The increased depth and height, along with the proposed roof alterations and gable frontage, would significantly alter the appearance of the existing modest single storey pyramid hipped roofed dwelling with substantial front and rear extensions and a raised roof containing bulky dormer windows. The total depth of the proposed enlarged building would measure approximately 19m at ground floor level and 14m at first floor level, although this would comprise approximately 4m forward projection to the front and 4m rearward

projection to the rear and this would not appear to be excessive; individually or cumulatively. The proposal would also increase the ridge by approximately 1m although the resulting roof formation would be comparable or lower than the roof heights of the neighbouring properties and introduces dormer windows to each side although they would be set well within the roof slopes thereby reducing their bulk and again this would not appear excessive. It would not project closer to the side flank boundaries and would maintain spacing around the resulting building, particularly at upper floor level as it would form roof extensions rather than a full height additional first floor storey. Overall, the proposal would not appear to overdevelop the plot or result in a cramped appearance in relation to the boundaries and neighbouring properties, taking into account the variety of dwelling types and styles in this area. The dwelling would be more visible from the highway however notwithstanding the forward extension it would nonetheless remain setback and would not appear unduly prominent. There is a variety of architectural designs in the locality and the proposed design would not detract from the appearance of the site or its wider setting. The design and materials could also be managed by planning condition,

- 7.2.5 The proposed garage would excavate the existing earth bank at the front and replace it with a double garage, and an outbuilding to the rear. A number of properties within this part of Warren Road have similar garages and/or parking spaces positioned off the road; the general principle is established and part of the character of the area and subject to suitable details and landscaping would not be a detrimental to the spatial standards and appearance of the area. The proposed garden outbuilding, measuring approximately 5m x 9.9m and 2m to the eaves and 3.9m to the ridge, would be sizeable however it would be well separated from the dwellinghouse, it would maintain space around it, and would not dominate the site and the dwelling curtilage and would retain a large outdoor amenity area. The proposed outbuildings either in themselves or together with the proposed additions would remain subservient to the site and its setting and would not lead to an overdevelopment or a cramped appearance.
- 7.2.6 The proposed outbuilding layout shows a W/C. It does not show other elements of living accommodation such as sleeping accommodation, a full bathroom/shower room or kitchen and does not appear to be intended for separate independent residential use. If it were to be used as a separate residential unit and severed from the dwellinghouse then it may not provide a suitable standard of accommodation, its own amenity space and parking space (that would be required for an independent dwelling) and moreover, it would not respect the predominant pattern of development in the area. Therefore, if planning permission is granted for the annexe it should be restricted for the ancillary use of the members of the household only managed by condition; to ensure that it does not become severed and separately inhabited in its own right and thereby offer substandard independent living accommodation.
- 7.2.7 As mentioned, the application site lies within a spacious and sylvan setting and the application site has mature and well landscaped grounds. Notwithstanding this, however, the proposed development itself would not appear to directly affect or harm trees/vegetation that is important to the character and appearance of the site or to the wider appearance of the streetscene.

### 7.3 Neighbouring amenity – acceptable

- 7.3.1 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.
- 7.3.2 It is noted that there is a staggered building line in this part of Warren Road and the existing building is set back behind the immediate neighbouring properties which have some side flank windows facing towards the application site. However according to comments received and site observations the neighbouring side flank windows appear to serve as secondary or additional windows to rooms with their main outlook towards the front and rear. As such, although the proposal would be substantial in size and different from the existing relationship and would be visible from the neighbouring properties, taking into account the proximity, the size and scale and relationship with the neighbouring properties including the plot orientation and path of the sun would not be unduly prominent and would not have a significantly harmful impact on their outlook or natural sun/daylight enough to warrant refusal.
- 7.3.3 According to the submitted details the main outlook from the proposed extensions would continue to be to the front and rear where any additional overlooking, noise and general disturbance would not have a significantly greater impact on neighbouring privacy amenities by reason of overlooking. The upper floor side flank windows which could cause additional harmful overlooking to the neighbouring properties would serve non-habitable rooms and circulation spaces and could be fitted with obscure glazing and restricted opening windows to preserve neighbouring privacy amenities without having an unacceptable living environment for the occupants of the development and could be managed by planning condition.
- 7.3.4 The proposed garage and outbuilding would also be visible from the neighbouring properties. Notwithstanding the rising ground levels from the front to the rear of the site given the degree of separation the garage and outbuilding would not have a significantly more harmful impact upon outlook or overshadowing and would not offer significant opportunity for additionally harmful overlooking to neighbouring properties. Notwithstanding, this the existing ground level(s) and proposed slab/floor levels of the proposed outbuildings could be confirmed and managed by planning condition as necessary.

### 7.4 Highways – acceptable

- 7.4.1 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.

- 7.4.2 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.
- 7.4.3 The 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 BLP should be used as a basis for assessment.
- 7.4.4 There is no footway along this part of Warren Road. The proposed garage would measure less than 6m deep, conflicting with the standard dimensions. However, there would be space in front of the garage for vehicle parking for at least two vehicles and this would comply with the parking requirement for the dwelling. The revised plans would provide sufficient space on the resulting forecourt for a vehicle to park; clear of the opening garage door, without overhanging the highway and to allow the driver/occupants to walk from the vehicle to the dwellinghouse without stepping into to the highway, and would not raise parking or highway safety concerns. Notwithstanding this, the proposal should provide suitable drainage to avoid surface water run off onto the highway and this could be managed by condition. The proposal would also require substantial excavation of earthworks and the Applicant should make any necessary arrangements for road closure or obstruction during that time and could be reminded of this by planning condition.

## 8. **Conclusion**

- 8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable as it would not impact detrimentally on the character of the area, it would not result in a significant loss of amenity to local residents, or highway and parking issues and it is recommended that planning permission is granted.
- 8.2 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:

**Standard Time Limit**

**Standard Compliance with Plans**

**Materials in accordance with the approved details**

**Side Space**

**No additional upper floor side windows**

**Privacy Screening Details (balcony)**

**Approved upper floor side windows obscure glazed/restricted opening**

**Annexe/Outbuilding Restriction**

**Highway Surface Water Drainage**

**Garages/parking in accordance with the approved details**

Informatives

**Party Wall Act  
Side Space**

**Any other planning condition(s) considered necessary by the Assistant Director of Planning.**



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# Agenda Item 4.3

<b>Committee Date</b>	01.07.2021	
<b>Address</b>	25 Grove Vale Chislehurst BR7 5DS	
<b>Application Number</b>	21/00897/FULL6	<b>Officer</b> - Jennie Harrison
<b>Ward</b>	Chislehurst	
<b>Proposal</b>	Retrospective application for a children's activity frame and swings	
<b>Applicant</b>	<b>Agent</b>	
Mr Yavuz 25 Grove Vale Chislehurst BR7 5DS	Mr Turan Karamanoglu Unit D Broomsleigh Business Park Worsley Bridge Road Sydenham SE26 5BN	
<b>Reason for referral to committee</b>	<b>Councillor Call in</b>	<b>Councillor call in</b>
	Councillor Call in	Yes

<b>RECOMMENDATION</b>	Application permitted
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<p><b>KEY DESIGNATIONS</b></p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding TPO Smoke Control SCA 16</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3	Not specified

Proposed	C3 (no change proposed)	No change
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<b>Vehicle parking</b>	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

<b>Electric car charging points</b>	0
-------------------------------------	---

<b>Representation summary</b>	Neighbour letters issued –16.03.2021 Neighbour letters issued (amended plans) – 27.05.21
Total number of responses	8
Number in support	1
Number of objections	7

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would not cause any significant harm to the outlook and amenity of adjoining occupiers as a result of further screening to the play towers
- The platform will be removed from the protected oak tree and there will therefore be no impact on the tree.

## 2. LOCATION

- 2.1 The application site hosts a two storey detached dwelling on the South Eastern side of Grove Vale, Chislehurst. The rear garden adjoins properties in Selby Close.

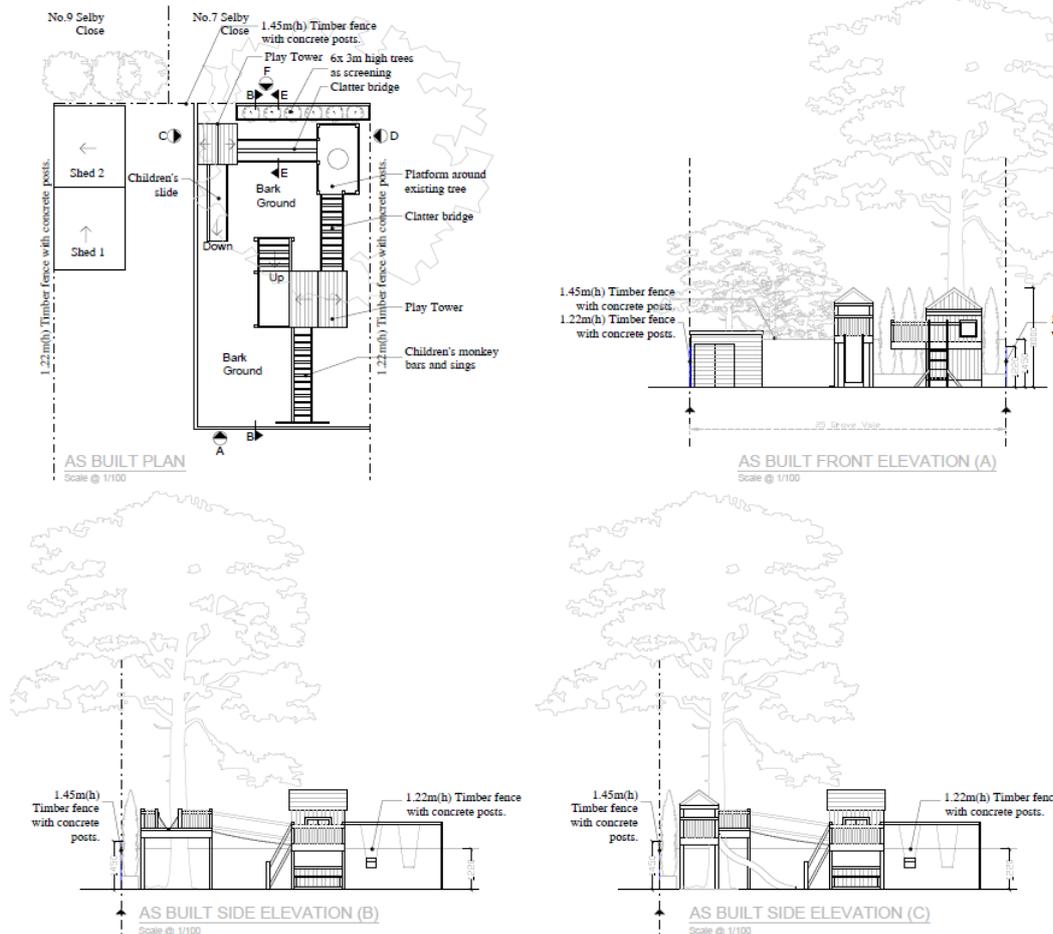
### 2.3 Site Location Plan:



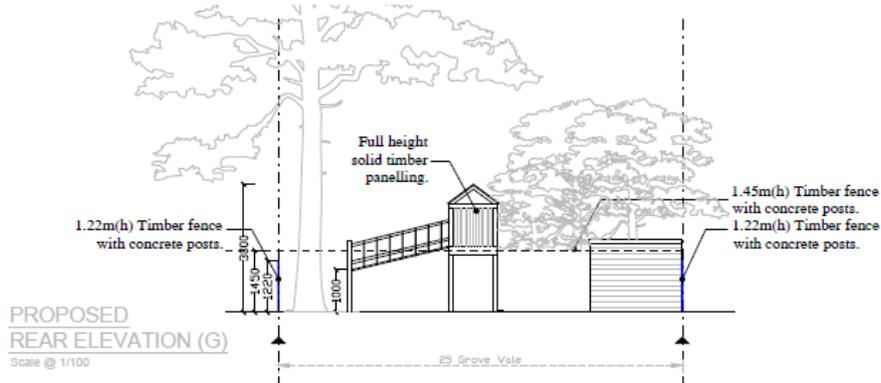
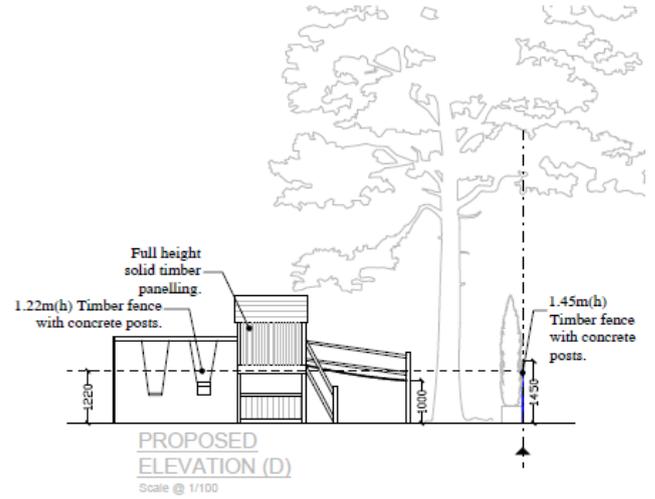
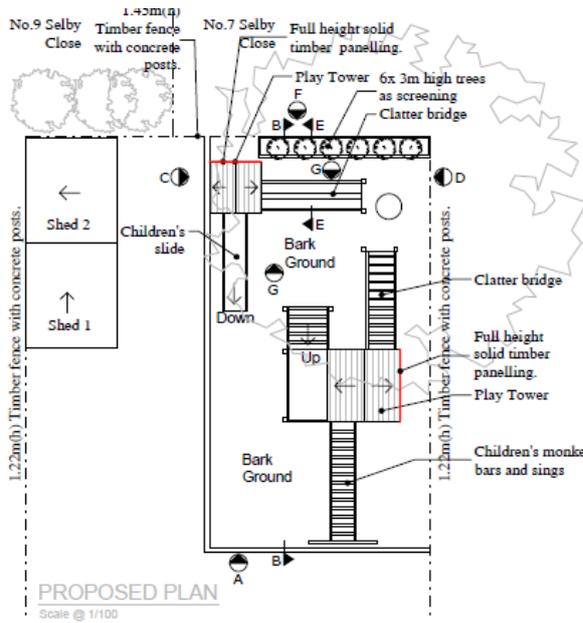
## 3. PROPOSAL

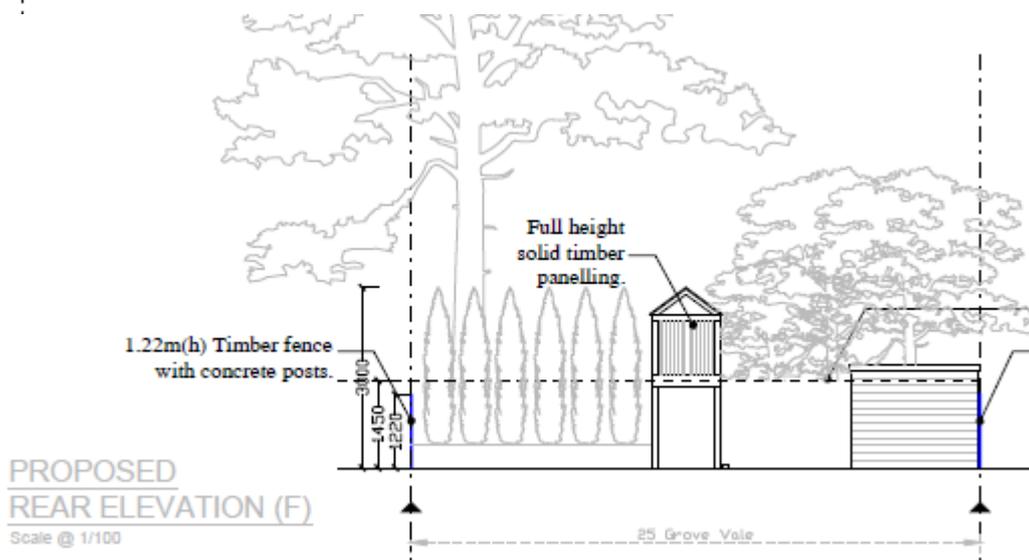
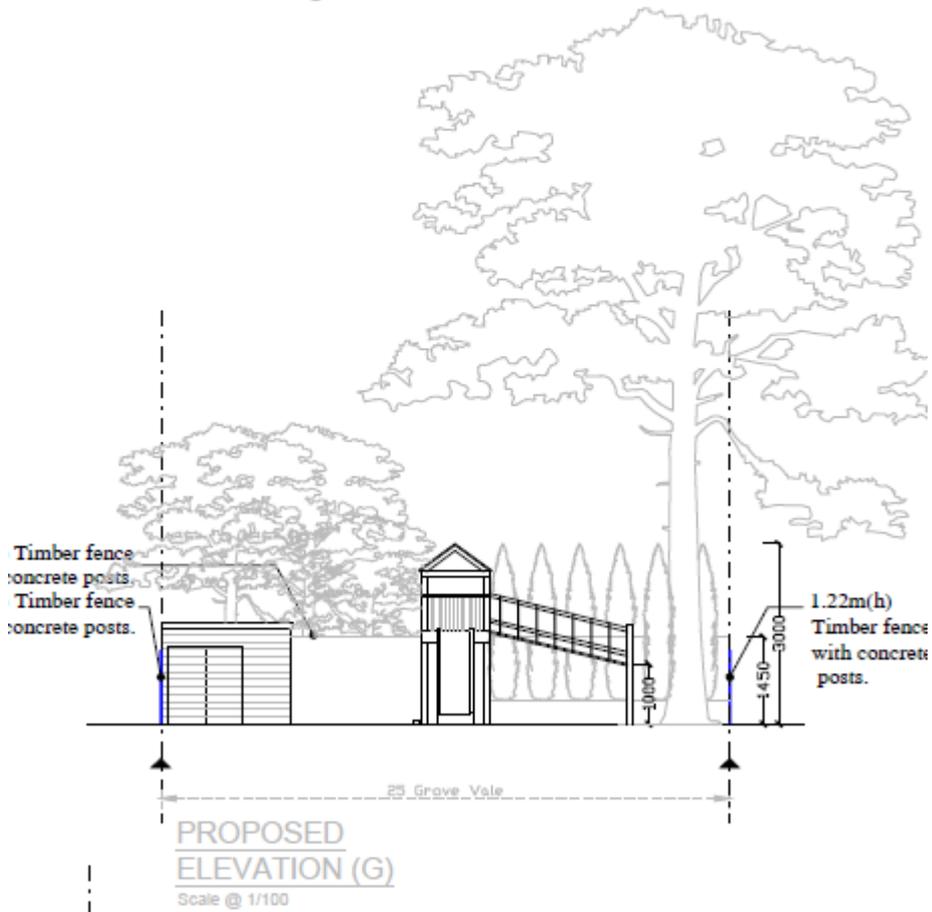
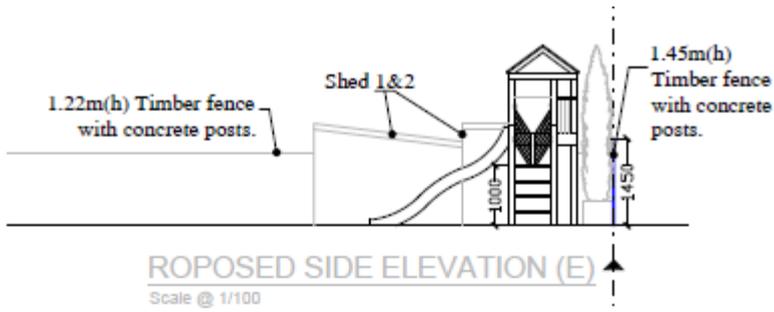
3.1 The application seeks part retrospective permission for a children's activity centre and swings. The alterations that are proposed to be made are the removal of the platform from the protected oak tree and the introduction of further solid panels to both play towers.

### 3.2 Existing plans and elevations:



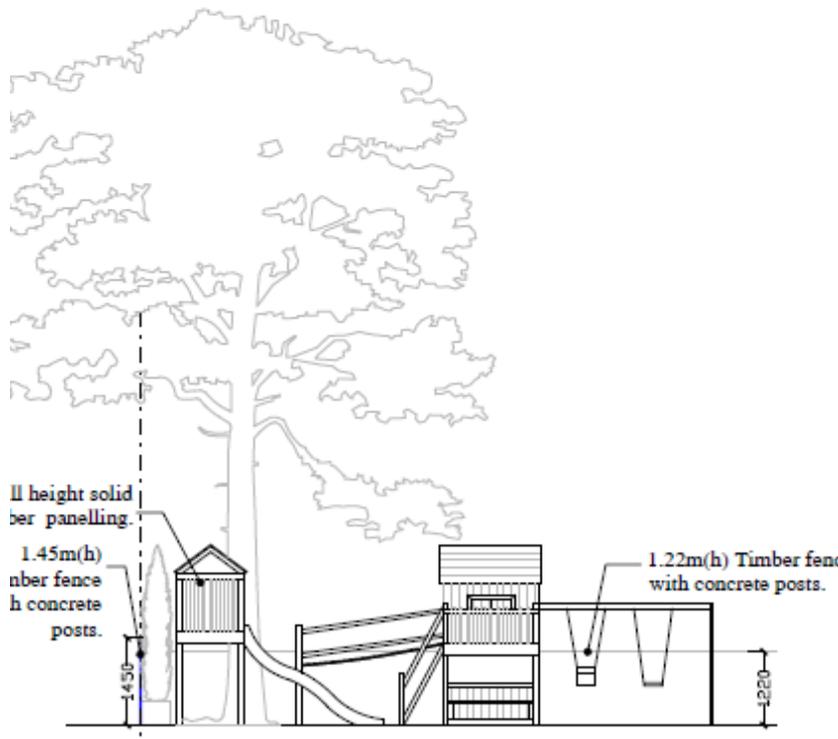
### 3.3 Proposed plans and elevations:



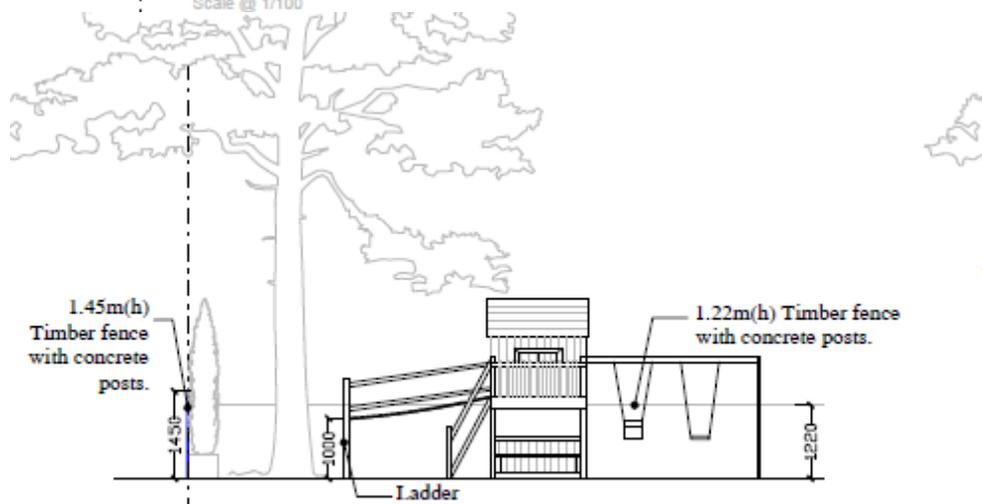




**PROPOSED FRONT ELEVATION (A)**  
Scale @ 1/100



**PROPOSED SIDE ELEVATION (C)**  
Scale @ 1/100



**PROPOSED SIDE ELEVATION (B)**  
Scale @ 1/100

## **4. RELEVANT PLANNING HISTORY**

4.1 04/00004/FULL6 - Single storey side and rear extension – Permitted

4.2 17/01456/FULL6 - First floor side/rear and single storey rear extensions - Refused. Appeal Allowed

4.3 17/02276/HHPA - Single storey rear extension, extending beyond the rear wall of the house as existing by 6m (beyond the original rear wall by 6m), for which the maximum height would be 2.6m (maximum height of proposed and previous extensions 2.6m), and for which the height of the eaves would be 2.6m (maximum eaves height of proposed and previous extensions 2.6m) - (42 Day Notification for Householder Permitted Development Prior Approval) - Prior Approval Not Required

4.4 18/02423/FULL6 - First floor side/rear and single storey rear extensions. Retrospective amendments to previous planning application with reference 17/01456/FULL6 to change the pitch of the roof, increase the ridge height and incorporate rooflights on all sides to facilitate a loft conversion and elevational alterations - Refused. Appeal Dismissed

4.5 20/01668/FULL6 - Proposed changes to the roof on the front elevation - Decline to Determine

4.6 20/02809/FULL6 - Proposed changes to the roof - Decline to Determine

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

5.1 Trees – **no objection**

No objection. If permission is granted, I have no recommendations for conditions.

### **B) Local Groups**

5.2 N/A

### **C) Neighbouring occupiers**

5.3 Objections

5.3.1 Neighbouring amenity and privacy

- The structure overlooks rear garden of number 9 Selby Close
- Trees planted at application site do not shield the structure
- Clatter bridge would have direct view to the rear garden of number 9 Selby Close
- Could easily be moved away from the boundary
- Impact on privacy to number 5 Selby Close
- Overlooking and loss of privacy for number 7 Selby Close

- Adults using the structure further impacts on privacy
- Structure is overbearing
- Play towers should be ground level not raised

#### 5.4 Support

- No issue with activity centre for number 26 Grove Vale

## 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 development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

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

### 6.5 National Policy Framework 2019

### 6.6 The London Plan

D1 London's form, character and capacity for growth  
D4 Delivering good design

### 6.7 Bromley Local Plan 2019

6 Residential Extensions  
37 General Design of Development  
73 Development and Trees

### 6.8 Bromley Supplementary Guidance

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

## 7. ASSESSMENT

- Design – Layout and scale

- Residential Amenity

## 7.1 Design – Layout and scale - Acceptable

- 7.1.1 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. 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.
- 7.1.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.1.3 The activity centre comprises swings, bridges, platforms and a "tree house" structure, this type of equipment would not be uncommon in a residential setting such as this. Whilst the scale is significant it is considered that there would be no adverse harm to the character and appearance of the host dwelling as a result of this equipment in the rear garden.
- 7.1.4 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.

## 7.2 Residential amenity – Acceptable

- 7.2.1 Policy 37 of the Bromley Local Plan 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.
- 7.2.2 The equipment provided is situated along the rear boundary of the property and is significant in its scale. The equipment is proposed to be used by children however, due to its placement this will create opportunities and the feeling of being overlooked. The alterations to the retrospective application include the removal of a raised platform around a tree, and the introduction of solid timber panels to both play towers. Whilst this may create some additional perceived overlooking, it is considered that on balance, there would be no harm so significant to the neighbours in Selby Close to warrant refusal of the application.
- 7.2.3 Whilst there would be some overlooking for the adjoining occupiers at both flank boundaries this would be at the rearmost part of their gardens and it is considered that this would therefore mitigate the impact.
- 7.2.4 Having regard to the scale, siting and separation distance of the development, it is considered that no significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

## **8. CONCLUSION**

- 8.1 Having had regard to the above it is considered that the development in the manner proposed is unacceptable in that it would result in a significant loss of amenity to local residents.
- 8.2 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 Permitted

### **Subject to the following conditions**

- 1. Work carried out in 3 months and retained thereafter**
- 2. Retention of 6 trees planted at the rear boundary**



21/00897/FULL6



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29 June 2021

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# Agenda Item 4.4

<b>Committee Date</b>	08/07/21	
<b>Address</b>	23 Oakfield Lane Keston BR2 6BY	
<b>Application Number</b>	21/01327/FULL6	<b>Officer</b> - Catherine Lockton
<b>Ward</b>	Bromley Common and Keston	
<b>Proposal</b>	Two storey front, two storey side and first floor extension with enlargement and alterations of roof to create a two storey dwelling, single storey rear extension, and elevational alterations	
<b>Applicant</b> Mr Tony Welch	<b>Agent</b> Mr Neil Bartlett Arcadd	
23 Oakfield Lane Keston BR2 6BY	25 Lower Camden Chislehurst BR7 5HY	
<b>Reason for referral to committee</b>	Called-in by ward Councillor	<b>Councillor call in</b>  Yes

<b>RECOMMENDATION</b>	PERMISSION BE REFUSED
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<b>KEY DESIGNATIONS</b>  Biggin Hill Safeguarding Area London City Airport Safeguarding Ordinary Watercourses River Centre Line Smoke Control SCA 22
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<b>Representation summary</b>	<i>Adjoining neighbours and those that has provided representations on the previous application at the site (ref: 20/00489/FULL6) were consulted by letter on 04.05.2021.</i>	
Total number of responses	2	
Number in support	0	
Number of objections	2	

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

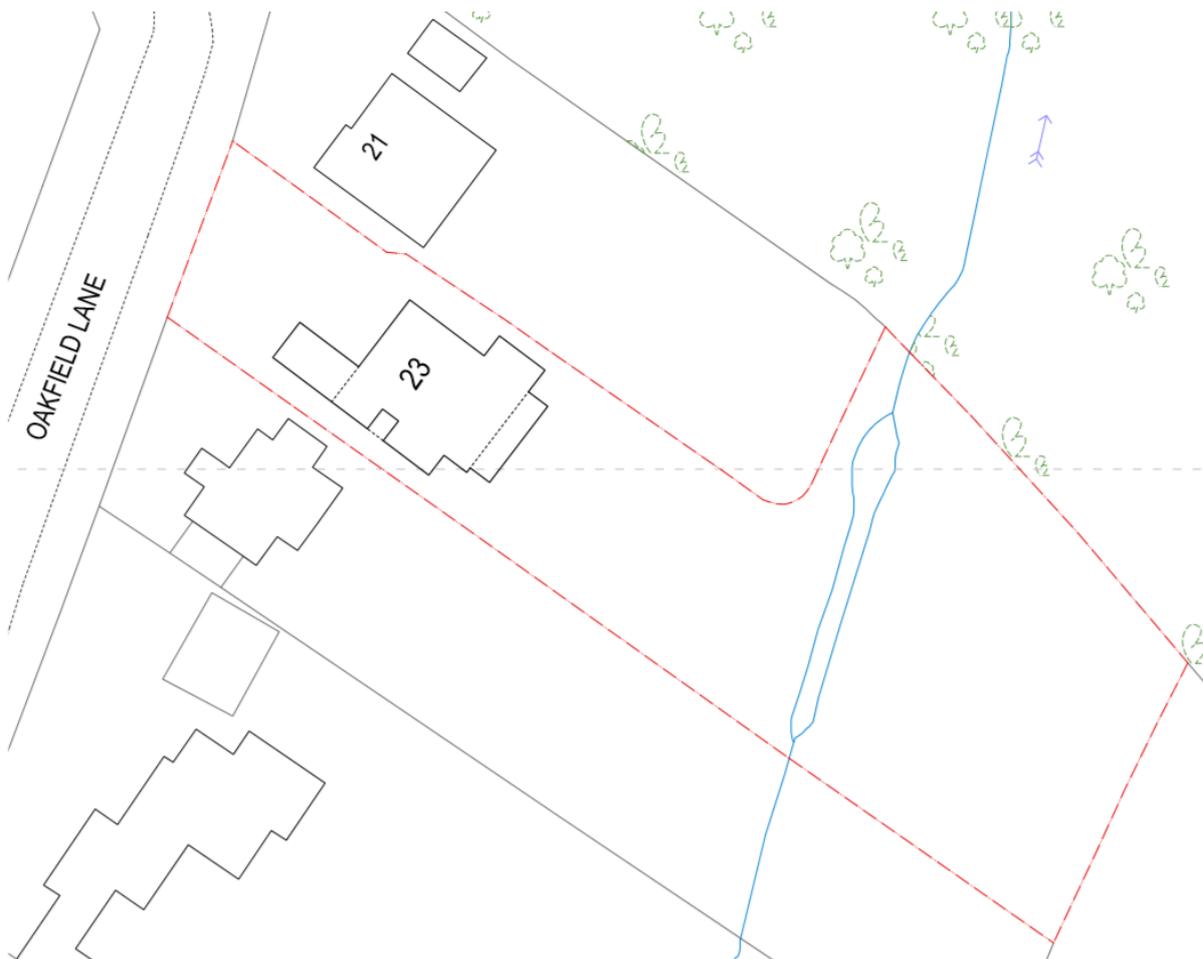
- The development would result in a cramped form of development which would fail to respect the existing relationship between the application dwelling and its neighbour at No. 21 resulting in detrimental harm to the visual amenities of the streetscene with which it lies.
- The development would result in a significant loss of amenity to both neighbouring properties at No.'s 21 and 25 Oakfield Lane.
- The development would therefore be contrary to Policies 6, 8 and 37 of the Bromley Local Plan.

## 2 LOCATION

- 2.1 The application site hosts a modest detached chalet bungalow located on the eastern side of Oakfield Lane, Keston. The existing dwelling includes two storey prominent front and rear gables, but with the eaves heights to the side sloping to single storey height. As such, the existing dwelling is part single and part two storey. The first floor of the dwelling provides only two bedrooms and a bathroom served by windows in the front and rear gable ends and a small pitched roof dormer within the south-western side. The dwelling also includes a small side gable feature to the north-eastern side and a pitched roof attached garage which extends forward of the main dwelling.



2.2 The application property is set back from the highway and includes a large open front garden with front driveway with no front boundary treatment. At the rear the rear garden is generous in size and widens to the rear to wrap around the rear boundary of the neighbouring dwelling at No. 21. A river runs through the garden at the rear. A number of mature trees are located within rear garden area as well as within the gardens of the neighbouring properties and within Padmall Wood which borders the application site at the rear and is designated as Green Belt land. Part of the woodland to the rear is also covered by an Area Tree Protection Order.



2.3 Oakfield Lane is a residential cul-de-sac with mature trees and nearby woodland providing a verdant setting. The majority of properties in Oakfield Lane are relatively large two storey detached dwellings of varied design, age and appearance.

2.4 The first three properties within Oakfield Lane at the entrance to the road from Commonside are located within the Keston Village Conservation Area. However, the remainder of the road (which includes the application site) is not located within any area of special designation and the property is not listed.

### 3 PROPOSAL

- 3.1 Planning permission is sought for a two storey front, two storey side and first floor extension with enlargement and alterations of roof to create a two storey dwelling, single storey rear extension, and elevational alterations.
- 3.2 The proposed extensions and alterations would result in a complete remodelling of the existing dwelling with a revised internal layout at both ground and first floor. The first floor of the dwelling would be completely altered from two bedrooms and bathroom within the roofspace to a full first floor addition with five bedrooms (two with en-suite shower rooms) and a bathroom.
- 3.3 The front extension would extend above the existing single storey garage to align with its front wall and would extend 6.5m in width towards the northern side so that the northern flank wall of the extension would be sited 1.8m from the northern side boundary. The front extension would have an asymmetrical design with the southern side having a full two storey flank wall with pitched roof and front gable and the northern side having a front gable with side cat slide roof sloping down to single storey eaves level. The height of the roof would be 8.3m (1.3m higher than the maximum height of the existing dwelling).
- 3.4 The rear extension would extend a total of 4m in depth at ground floor to align with the rear wall of the existing smaller single storey rear extension. This single storey rear element would have a flat roof 3.2m in height. The dwelling would also extend further to the rear at first floor as part of the enlargement of the first floor and roof.
- 3.5 The proposed development would result in an extension to the northern side of a further 1.8m in width for a length of 13.3m at ground floor and 11.5m at first floor to align with the rear wall of the proposed rear extension. This part of the development would be set back from the front of the proposed front extension by 5.7m. A separation of between 1m and 1.6m would be provided from the northern flank wall to the northern side boundary. This extension to the northern side would incorporate a fully hipped roof element to the front section and a pitched roof with gable end to the rear.
- 3.6 The existing ground floor southern flank wall would be extended in height to form a full two storey flank wall. In total the length of this southern flank wall would be 19m at ground floor and 16.1m at first floor to incorporate the proposed front and rear extensions. This extension to the southern side would also incorporate a small hipped roof element with pitched sections to the front and rear with front and rear gables.
- 3.7 The extensions and existing dwelling are proposed to be finished with red brick at ground floor to match the existing dwelling, with white render to the first floor. The roofs would be clad in Sandtoft Humber Plain Clay Roof Tile & Half – Flanders. The windows and doors are proposed to have slate grey frames.
- 3.8 There is no change to the existing car parking on site.

## 4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Under ref: 19/03357/FULL6, planning permission was refused for a ground floor rear and side extension and first floor extension to create two storey dwelling, loft conversion incorporating front and side dormers and a rear dormer with Juliet balcony, rooflights to front elevation for the following reasons;

"1 The proposed extensions and alterations, by reason of their size, scale, bulk and design would substantially alter the scale and form of the host dwelling and would result in a bulky, incongruous and overly dominant form of development particularly at roof level which would fail to respect the character and appearance of the existing dwelling and would be out of character with surrounding development, detrimental to the visual amenities of the streetscene and significantly harmful to the residential amenities of the neighbouring properties. The proposal would thereby be contrary to Policies 7.4 and 7.6 of the London Plan and Policies 6 and 37 of the Bromley Local Plan."



PROPOSED FRONT ELEVATION AND PROPOSED ROOF PLAN

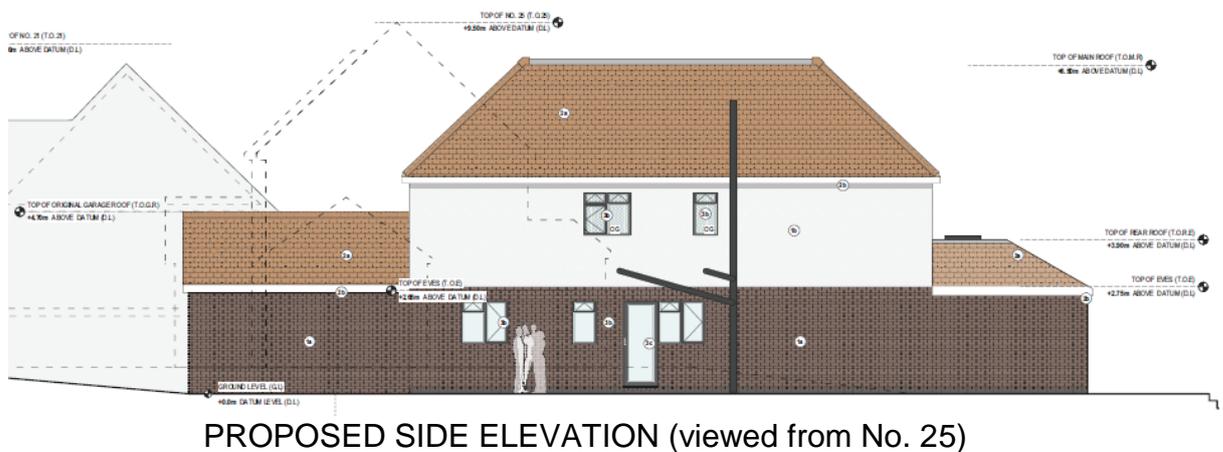
- 4.3 Under ref: 20/00489/FULL6, planning permission was refused for a single storey front/side porch extension, single storey side infill extension, part one/two storey side/rear extension and first floor extension to create two storey dwelling, and elevational alterations for the following reasons;

"1. The proposed extensions and alterations, by reason of their size, scale, bulk and unsympathetic design would substantially alter the scale and form of the host dwelling and would result in a bulky, incongruous and overly dominant form of development which would fail to respect the character and appearance of the existing dwelling and would be out of character with surrounding development, detrimental to the visual amenities of the streetscene and significantly harmful to the residential amenities of the

neighbouring properties. The proposal would thereby be contrary to Policies 7.4 and 7.6 of the London Plan and Policies 6 and 37 of the Bromley Local Plan."



4.4 Application ref: 20/00489/FULL6 was subsequently dismissed at appeal. The Appeal Inspector surmised that the proposed extensions would not have an unacceptably harmful effect on the character and appearance of the host dwelling and street scene. However, the extended dwelling would be a larger and more significant presence when viewed from the garden of No. 21. Furthermore, due to the height, depth and proximity of the extended side wall and roof of the extended dwelling adjacent to No. 25, the extended dwelling with bulky roof would appear as overbearing and dominant features, particularly in comparison to the existing effects of the application property, which appears to have been designed to reflect the potential effects of its layout further back on its plot than its neighbours. The Appeal Inspector therefore concluded that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of Nos 21 and 25 with regard to outlook.





PROPOSED SIDE ELEVATION (viewed from No. 21)

## 5 CONSULTATION SUMMARY

### A) Statutory

Trees – No objection and no conditions recommended on any approval.

### B) Local Groups

No comments received.

### C) Adjoining Occupiers

Impact on the living conditions of neighbouring occupiers (addressed in paragraphs 7.2.5 to 7.2.16)

- The new proposal makes little alteration to the size, scale and bulk and increase the overall size of the proposal with an additional two storey extension at the front, side and back.
- The bulk and size of the extension will have a far greater effect on the living conditions of the occupiers of 21 and 25 than the previous applications.
- The inspectorate comments regarding overbearing and dominant features remains evident within the new proposal, particularly in comparison to the existing effects of 23 Oakfield Lane, which appears to have been designed to reflect the potential effects of its layout further back on its plot than its neighbours.
- Any proposal that increases the height and pitch of the roof will be harmful to the neighbouring properties.
- The front extension has been brought forward of the principal elevation by 5.6m and will restrict natural light to windows at 21 Oakfield Lane.
- The front extension and side extension will result in the loss of amenity to No. 21 due to overlooking and overshadowing.

- The two storey building with increased roof height will overlook and overshadow No. 21 with a great loss of privacy and light.
- The new planning application has altered the style of roof but the wall and roof that have a combined height of 8.2m will still result in an unrelieved extent of two storey wall and substantial roof slope extending well beyond No. 25's rear building line to run alongside the shared garden boundary. The extent of the flank wall has also now increased and would run approximately 18m from beginning to end causing overshadowing to No.25.
- The view from the kitchen at No. 25 will be totally blocked and the design will be visually overbearing and have a negative impact on the character and amenity of this property.
- The two upper floor windows on the side of No. 25 have not been shown and these windows would be entirely blocked by the new extension resulting in a significant loss of daylight and sunlight and totally blocking the view from these rooms.
- It is understood from the appeal decision that for any future planning application that the roof should not exceed the height of the existing roof and the pitch of the roof should not be altered.
- Despite the alterations to the roof the Inspectorate's comment regarding the flank wall is still relevant.
- The need for owners to modernise their property is respected but major alterations must take into consideration the harmful effect on neighbour's enjoyment of their property and garden.
- The proposed development will have a negative impact on the amenity of No. 25 through overlooking, overshadowing, loss of light, loss of daylight and loss of privacy.

#### Right of Light (addressed in paragraphs 7.2.2)

- The 1920s cottage at 21 Oakfield Lane has received almost a hundred years of uninterrupted and unobstructed daylight and as such has the right of light. The new development will result in a loss of light which will greatly affect the enjoyment of the home and garden of the occupiers of 21.
- Right to Light of No. 25 which has existed for over twenty years will be reduced

#### Design and size (addressed in paragraphs 7.1.1 to 7.1.18)

- The new proposal fails provide a design that respects the scale and form of the host dwelling.
- The roof extension is considerably higher than the highest part of the existing roof and is higher at the eaves than the existing eaves.
- The roof pitch does not match the pitch of the existing house. The design of 23 Oakfield Lane and its roof pitch had a strong bearing on the original planning proposal that initially attempted to build the house much further forward.
- The position of No. 23 nestled between two 1920 cottages had a strong bearing on the original 1950s planning and cannot be neglected when considering any future improvements.

- Permitted development should not be used as an argument for allowing the demolition and rebuild as the new house is significantly more obtrusive than the existing chalet bungalow.
- The new building is not comparable with the existing building being significantly larger in size, height and bulk.

#### Drawing errors (addressed in paragraph 7.2.4)

- The drawing shows 21 Oakfield Lane to be approximately 8.3m above the datum line which is incorrect as the height from ground to roof top of 21 is 7.3m. The ground level at No. 21 is 50 cm below the datum line and the height above the datum line is 6.8m so the new extension will overshadow 21 by 1.5m.

#### Existing property would need to be demolished (addressed in paragraphs 7.2.3)

- The description is incorrect as the proposal is for the demolition and rebuild of a larger property in a new position on the existing plot as the new position of the property with an increase in size and height make it impossible to build without the demolition of the existing chalet bungalow.
- There is no information to show whether an application for the proposed demolition has been made to determine if approval is required to give Bromley Planning Authority the opportunity to regulate the details of the demolition in order to minimise the impact of the activity to neighbours.
- it is doubtful that the existing foundations would be able support the new two storey building and the growth of trees around the property since its original construction will probably mean the foundations need to be significantly deeper.
- No structural report is included covering ground condition or any detail of the type or depth of existing foundations.

## **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 London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

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

**6.6 National Policy Framework (2019)**

**6.7 The London Plan (2021)**

- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- G7 Trees and woodlands

**6.8 Bromley Local Plan (2019)**

- 6 Residential Extensions
- 8 Side Space
- 37 General Design of Development
- 73 Development and Trees
- 77 Landscape Quality and Character

**6.9 Bromley Supplementary Guidance**

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

**7 ASSESSMENT**

**7.1 Design, Scale and Layout – Unacceptable**

7.1.1 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.

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

7.1.3 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

7.1.4 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.

- 7.1.5 Policies 6 and 37 of the Bromley Local Plan 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.
- 7.1.6 Policy 8 of the Bromley Local Plan also relates specifically to Side Space and states that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building; or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
- 7.1.7 Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".
- 7.1.8 The application dwelling sits on land which was previously part of No.21. The two dwellings either side of the application dwelling, No.'s 21 and 25 are of early 1900's construction, with the application dwelling being a later addition.
- 7.1.9 The application dwelling is set well back from the highway and on lower ground than its immediate neighbours. With its two storey front and rear gables of limited scale and single storey elements to the front and sides, it is a smaller dwelling and less prominent in the street scene than the surrounding properties. Nevertheless, the existing property sits comfortably within its surroundings.
- 7.1.10 The proposed extensions and alterations would significantly change the character and appearance of the host dwelling by replacing the first floor (which currently sits within the roof space) with a full two storey extension. The eaves and ridge height of the dwelling would be raised, and the overall roof form altered.
- 7.1.11 The development would also involve a two storey addition to the front, a two storey addition to the northern side, and part one/two storey and first floor additions to the southern side and rear.
- 7.1.12 The application site has been the subject of two previous applications both of which were refused (19/03357/FULL6 and ref: 20/00489/FULL6). The latter of which was also dismissed at appeal. Whilst Bromley as the Local Planning Authority (LPA) refused both previous applications on the basis of both the impact on the character and appearance of the host dwelling and area within which it lies as well as the impact on neighbouring amenities, the Appeal Inspector in determining the 2020 application concluded that altering the dwelling to a similar size and overall appearance to the majority of the surrounding area would not be materially harmful. However, the application was dismissed at Appeal due to the unacceptable harm that would occur to the amenities of No.'s 21 and 25.

7.1.13 In terms of its maximum height the proposed roof extension would be approximately 0.2m less than that of previous applications ref: 19/03357 and 20/00489. However, the roof design has been altered from a hipped crown roof to a pitched roof with front and rear gable ends and hipped elements to the sides, particularly to the northern side. A two storey front extension has also been introduced with a side cat slide roof feature. The dwelling would also extend further at two storeys to the northern side than that of the previous applications. To the rear, this current application would not extend as far as these previous applications; 4m less at ground floor and between around 1.8m and 2.9m less at first floor.

7.1.14 The Appeal Inspector in the assessment of application ref: 20/00489 noted that the resultant dwelling proposed under this previous application would be similar in size and overall appearance as many other properties within the surrounding area. In addition, whilst the height of the dwelling would increase, the fact that the dwelling stands on lower ground would help mitigate the effects of the additional bulk and larger roof profile in terms of its appearance within the streetscene.

7.1.15 The size of the dwelling now proposed under this current application would have a lesser length and width at ground floor, but would be around 2.7m greater in length and 1.5m greater in width than this previous application, mostly as a result of the 5.7m deep forward extension proposed as part of this current proposal.

7.1.16 The front extension would result in the application dwelling projecting further forward of its neighbour to the south (No.25) by around 2.2m but would still sit behind the front of the neighbour to the north (No. 21). Whilst this forward projection may be acceptable in isolation in terms of its impact on the character and appearance of the streetscene, the proposed development by way of the two storey extension to the northern side would also result in a reduction in side space to the northern side boundary shared with No. 21.



## EXISTING FRONT ELEVATION

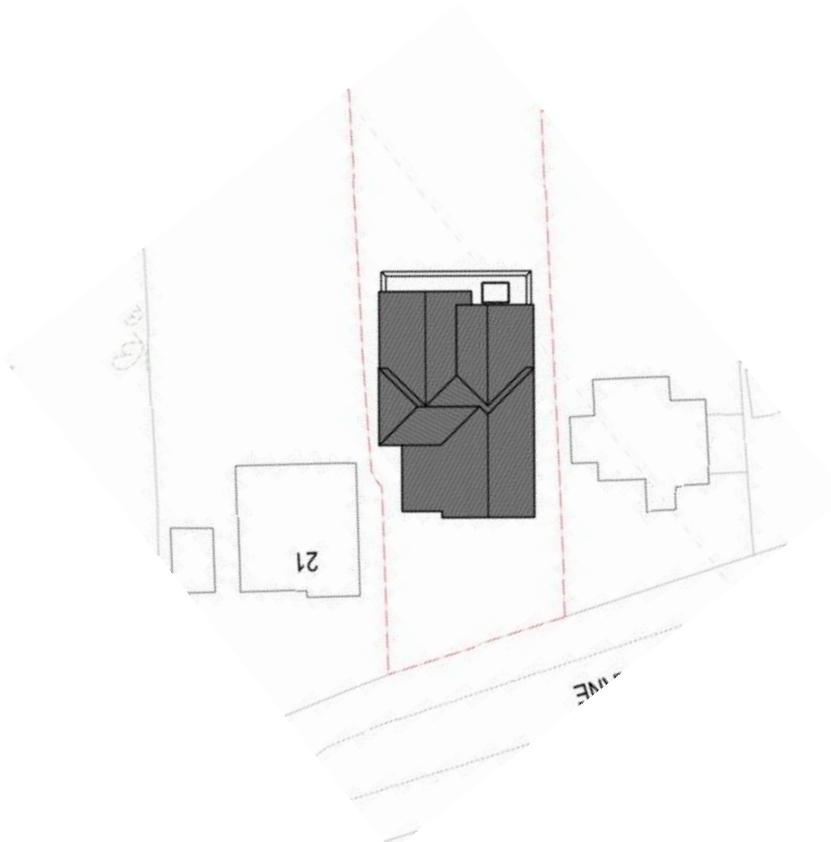


## PROPOSED FRONT ELEVATION

7.1.17 Given the layout of the existing dwellings, with the main front elevation of the application dwelling sitting behind the rear of No. 21, the space between the application dwelling and this neighbouring dwelling appears very open with views of the nearby woodland visible from Oakfield Lane between the properties. The cumulative impact of this reduction in side space as a result of the proposed two storey side extension and two storey front extension, along with the increase in the height of the dwelling, would significantly alter this existing relationship to such a degree as appear cramped and harmful to the visual amenities of the streetscene.



EXISTING ROOF PLAN



PROPOSED ROOF PLAN

7.1.18 Having regard to the above, it is considered that the proposed extensions to the front and northern side of the dwelling would lead to a cramped form of development which would fail to respect the existing relationship between the application dwelling and its neighbour at No. 21 resulting in detrimental harm to the visual amenities of the streetscene with which it lies. In this regard, the application would be contrary to the aims and objectives of Policies 6, 8 and 37 of the Bromley Local Plan.

## 7.2 Residential Amenity – Unacceptable

7.2.1 Policy 37 of the Bromley Local Plan 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.

7.2.2 As summarised within Section 5 of this report, concerns have been raised by both neighbouring properties; No. 21 to the north and No. 25 to the south. These includes issues surrounding Right to Light, which is a private legal matter, separate from the assessment of any loss of light that may occur from a proposed development.

7.2.3 Concerns have also been raised with regards to the extent of the works proposed and whether the proposal is actually for demolition of the existing dwelling and rebuild. However, the applicant has applied for a householder

application for extensions to the existing dwelling. It is not for the planning process to determine whether the proposed extensions can be constructed with the existing foundations as this would be dealt with through Building Regulations and if the existing dwelling did need to be demolished to facilitate the proposal then a separate planning application for this demolition and rebuild would be required.

- 7.2.4 Comments received in relation to an inaccuracy on the drawings with regards to the height of the neighbouring dwelling at No. 21 are noted.
- 7.2.5 The concerns raised by both neighbours regarding overlooking, overshadowing, loss of light, loss of daylight and loss of privacy and whether the proposed development overcomes the previous reasons for refusal, particularly in relation to the 2020 application which was dismissed at appeal on the basis of the harm to the living conditions of both neighbouring dwellings will be considered below.
- 7.2.6 In terms of the Appeal Inspectors comments with regards to the impact of the extension on the living conditions of No. 25, particular concern was raised in respect of the extended flank wall and taller roof which would project well beyond the rear of No. 25, and the extent that this resultant unrelieved two storey flank wall and roof slope would have on the amenities of this neighbouring property. The extended dwelling would be visible from both the rear windows of No. 25 and from within its garden and from these views in would appear as overbearing and dominant, particularly in comparison with the existing effects of the application dwelling, which appears to have been designed to reflect the potential effects of its layout further back on its plot than its neighbours.
- 7.2.7 The development proposed under this current application has reduced the depth of the extensions to the rear so that the first floor would not extend beyond the existing first floor rear wall of the application. However, the proposed extension would still bring the side of the application closer to the boundary shared with No. 25 and would still result in the flank wall extending from single storey with sloped roof to a full two storey wall with increased roof height. Moreover, this extended southern flank wall would still project well beyond the rear of No. 25 for its full height and length due to the rear gable end design.
- 7.2.8 It is noted that the existing dwelling has a rear gable end, but this is centred, has a lower ridge height and slopes down to a single storey eaves level. It is therefore considered that the bulk, height, and rearward projection of the proposed extensions adjacent to the boundary with No. 25 would be materially harmful to the visual amenities of this neighbouring dwelling by way of loss of outlook and prospect.
- 7.2.9 Notwithstanding the above, it is considered that there would not be any undue loss of light or privacy resulting from the proposed development given the orientation of the dwellings and the lack of any clear glazed windows within the flank elevation.

- 7.2.10 In terms of the impact of the front extension on the amenities of No. 25, the forward projection beyond No. 25 would only be around 2.6m, which given the separation between the dwellings, their differing levels and their orientation is not considered to be significantly harmful to the amenities of this neighbouring dwelling.
- 7.2.11 The proposed development, by way of the two storey front and side extension, would bring the application dwelling closer to the boundary shared with No. 21, as well as increasing its height adjacent to this neighbouring dwelling. It is noted that there is concern with regards to the impact of the front extension on this neighbouring dwelling in terms of overlooking and overshadowing, as well as concern with regards to the impact of the increased height and bulk when viewed from the rear.
- 7.2.12 The proposed front extension would bring the front and side of the dwelling noticeably closer to the side of No. 21. This neighbouring dwelling sits much further forward than the application dwelling meaning that the ground floor rear elevation of No. 21 currently sits at a similar line as the existing front elevation of the application dwelling.
- 7.2.13 The front extension would be set away from the boundary and would have a side cat slide roof which would limit its bulk and visual impact when viewed from the side and rear of No. 21. In addition, the front extension would not extend as far forward as the front of No. 21 and as such the existing bay windows at the side of this neighbouring dwelling would still benefit from a good degree of unobstructed light and outlook.
- 7.2.14 The front windows within the proposed front extension would be further forward than the existing front windows, but would be set away from the boundary, with the closest ground floor windows screened by the existing boundary vegetation. However, there would be a first floor window within the proposed side two storey side extension serving a bedroom, which would be sited in very close proximity to the first floor rear windows of No. 21. Accordingly, this relationship is likely to result in a loss of privacy to both the application dwelling and the occupiers of No. 21.
- 7.2.15 In the consideration of the 2020 application, the Appeal Inspector stated that the most direct views from the rear of No.21 would be towards their own rear garden. However, from the garden the bulkier two storey element and raised roof height would be materially more visible. In addition, the Appeal Inspector stated that despite the setback from the boundary provided by the retained single storey gabled element and boundary planting, the extended dwelling would be a larger and more significant presence which would have effect on these neighbouring occupiers' reasonable enjoyment of their garden.
- 7.2.16 In terms of this current application, whilst the proposed extension would not extend to the rear as far as the previous applications at this site, it would extend further to the boundary at two storeys, reducing the separation between the dwellings. This extension would also have a partially hipped roof and a pitched roof with rear gable end. Accordingly, the bulk and height of the dwelling would

be extended and the separation between the dwellings reduced, and there would therefore still be an appreciable impact on these neighbouring occupiers' reasonable enjoyment of their garden.

7.2.17 The proposal would have an unacceptably harmful effect on the living conditions of the occupiers of No.'s 21 and 25 Oakfield Lane, with regard to outlook, prospect and privacy. As such, the proposal conflicts with Policy 37 of the Local Plan in respect of the impact on residential amenity.

### 7.3 Trees – Acceptable

7.3.1 Policy 73 (Development and Trees) states that proposals for new development will be required to take particular account of existing trees on the site and adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

7.3.2 There are a number of trees located within and close to the site. However, the Council's Tree Officer has advised that there are no significant trees under threat and as such there are no objections to the scheme and no conditions are recommended in the event planning permission is granted.

### 7.4 CIL

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

## 8 CONCLUSION

8.1 Having had regard to the above, it is considered that the proposal is unacceptable, in that it would result in a cramped form of development that would impact detrimentally on the visual amenities of the streetscene. The bulk, height and proximity of the proposed development would also result in a significant loss of amenity to both neighbouring residents at No.'s 21 and 25 Oakfield Lane. The application would therefore be contrary Policies 6, 8 and 37 of the Bromley Local Plan.

8.2 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 Refused**

#### **For the following reasons:**

- 1. The proposed development by reason of its forward projection and reduction in side space to the northern side; rearward projection at first floor and roof level and resultant bulk and height; and proximity to neighbouring dwellings, would result in a cramped form of development, detrimental to the visual amenities of the streetscene, and significantly**

**harmful to the residential amenities of both neighbouring properties (No.'s 21 and 25 Oakfield Lane). The proposal would thereby be contrary to Policies 6, 8 and 37 of the Bromley Local Plan.**



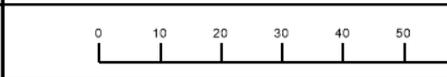
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 21/01327/FULL6



29 June 2021

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# Agenda Item 4.5

<b>Committee Date</b>	08/07/2021		
<b>Address</b>	13B Cherry Orchard Road Bromley BR2 8NE		
<b>Application Number</b>	21/01353/FULL1	<b>Officer</b> Seyi Obaye-daley	
<b>Ward</b>	Bromley Common and Keston		
<b>Proposal</b>	New 3-bedroom dwelling on land adjacent to 13B Cherry Orchard Road		
<b>Applicant</b>		<b>Agent</b>	
Rebecca Lloyd		Mr Tony Oyenuga	
<b>Reason for referral to committee</b>	Councillor Call-in	<b>Councillor call in</b> Yes	

<b>RECOMMENDATION</b>	<b>REFUSED</b>
-----------------------	----------------

## Summary

<b>KEY DESIGNATIONS</b>
<ul style="list-style-type: none"> <li>• Biggin Hill Safeguarding Area</li> <li>• London City Safeguarding</li> <li>• Smoke Control</li> </ul>

<b>Land-use details</b>		
	Use class	Floor space (GIA sqm)
Existing	N/A	0
Proposed	C3	133.37

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	3	2	-1
Disabled car spaces	0	0	0

Cycle	N/A	N/A	N/A
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<b>Representation summary</b>	A total of 16 neighbour letters were sent on 28.04.21 and then again on 12.05.21  A site notice was also printed on 13.05.21		
Total number of responses	12		
Number in support	4		
Number of objections	7		
Neutral	1		

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would be a cramped, piecemeal form of development that seriously diminishes the spatial standards that exist in this location.

## 2 LOCATION

2.1 The application site is located on the northern side of Cherry Orchard Road, adjacent to 13B.

2.2 The area is residential by nature predominantly comprising of two-storey properties with a variety of architectural designs sited along a narrow residential street.

2.3 The building is not listed or located within any area of special designation.

2.4 It is however, located within the following:

- Biggin Hill Safeguarding Area
- London City Safeguarding
- Smoke Control



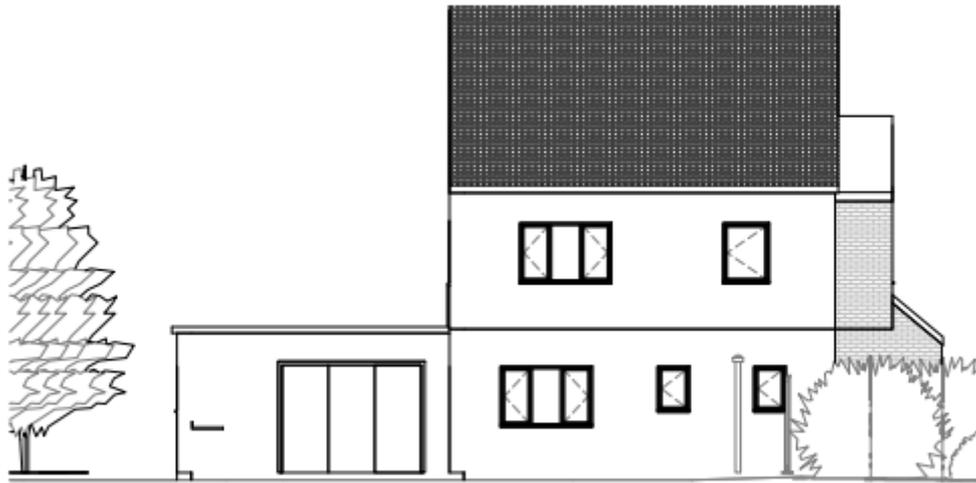


### 3 PROPOSAL

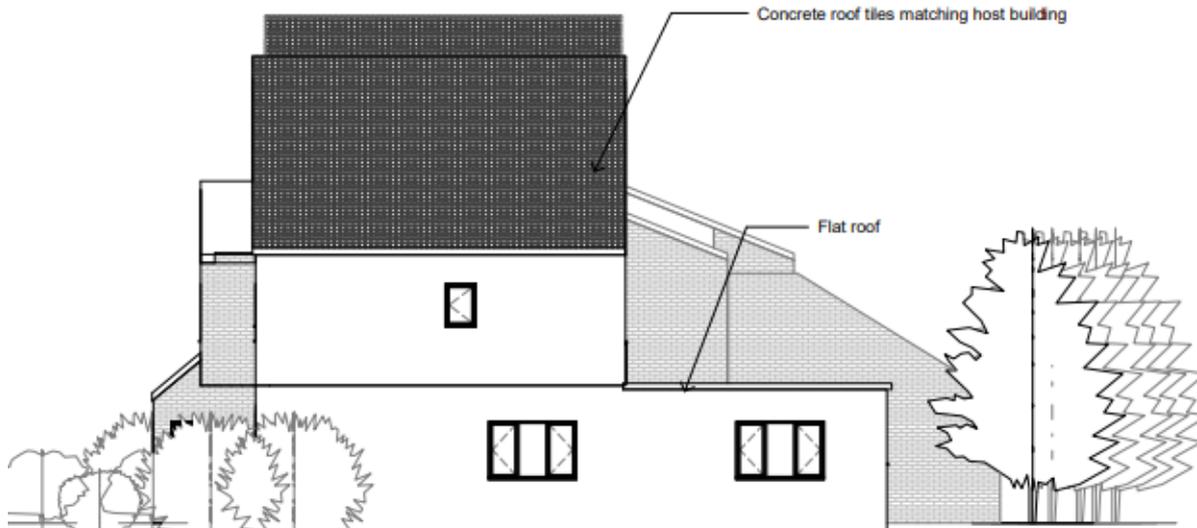
- 3.1 Planning permission is sought for a new 3-bedroom dwelling on land adjacent to 13B Cherry Orchard Road.
- 3.2 The proposed dwelling would be a two-storey dwelling with a maximum depth of approx. 15.1m.
- 3.3 It would be 7.6m wide and would have a gabled roof design with a ridge height of approx. 9.8m.
- 3.4 The property would maintain a 1m separation from the south-eastern flank boundary and a 1.1m (approx.) from the flank of the donor dwelling.



**South - Proposed**  
1 : 100



**West - Proposed**  
1 : 100



### **East - Proposed**

1 : 100

## **4 RELEVANT PLANNING HISTORY**

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Under ref. 04/04634/FULL1 planning permission was granted for a single storey side extension (13, 13A, 13B Cherry Orchard Road Bromley)
- 4.3 Under ref. 05/00447/FULL1 planning permission was granted for a carport at front

## **5 CONSULTATION SUMMARY**

### **A) Statutory**

#### Highways – No objection

- No objections
- Given status of Cherry Orchard Road as unadopted street, applicant should be advised via informative that condition of section of street to which proposed development has a frontage should, at end of development, be at least commensurate with that which existed prior to commencement of development
- Should also be advised that before any works connected with proposed development are undertaken within limits of the street, it will be necessary to obtain agreement of owner(s) of sub-soil upon which Cherry Orchard Road is laid out

#### Environmental Health

- Following informatives are required:

*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 2017 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.*

The application site is within an Air Quality Management Area declared for NO<sub>x</sub>. We would therefore recommend that the following condition is attached:

*The application site is located within an Air Quality Management Area declared for NO<sub>x</sub>: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO<sub>x</sub> emission rate of <40mg/kWh (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan).*

## **B) Local Groups**

### RSPB

- If Bromley Council intends to grant permission, recommend make installation of 2 integral swift nest bricks a planning condition and that proposal for these be submitted prior to commencement of above ground works

## **C) Adjoining Occupiers**

### Neighbouring amenity

- Height of building will lead to loss of light
- Windows 1m from boundary will impact privacy
- Juliette balcony will mean garden is overlooked
- Potential loss of trees will result in loss of privacy and property will be visible from Shell Petrol station and Hastings Road
- Any loss of trees will increase light and noise pollution
- Increase in traffic noise from A21
- Can applicant provide assurance that, except for maintenance purposes, the flat roof would not be accessible. This is important because its use would overlook the neighbouring property's rear garden

### Character of area

- Overdevelopment of small garden plot
- Preference would be a more modern design which takes same building line as property which is less intrusive and more reasonable size

- Removing natural break between original built properties and sixties-built properties will make street look cramped
- On basis that numbers 15 and 17 are existing examples of three bed properties that were added to the street, would seem more appropriate if a new build was more in keeping with their roofline/height and style
- Not in keeping with the road

### Highways

- Additional traffic
- Plans show space for two cars however current lamppost is not shown on plans. Would ask how two cars can fit in space and what will happen to street lighting
- Road is narrow, with current parking in the road there is potential that emergency vehicles may find it difficult to get up road and turn around
- Increased traffic in road also increases risk for young children and pets
- Concern that 13B will not have any parking allocated so should 13B be sold there will potentially be additional cars seeking parking in small road which poses concern for all residents about future environment
- Digging up of road will impact upon integrity of surface of road will impact upon integrity of surface of the road and result could be ongoing repair bills for residents
- There is no room on road already for residence cars
- Increase of traffic both during the build and after is inevitable

### Construction works

- Road cannot support building works, additionally when ambulances are required, they cannot access road
- Would be severe intrusion into peace and tranquillity
- Access to powered wheelchair to his rear garden is at side of house where application for three-bedroom house is proposed. If building works were going on would not have access to garden
- Should there be fire or emergency if this route was blocked by building works life could be in severe danger
- Would not want access to be facilitated through removal or scaling back of the fir trees currently in situ
- If access not granted through Shell, will require road to be used for access which will put structural integrity of road at risk throughout the build
- Storing of materials during construction will mean that cars have to be parked on the street

### Amenity space

- There would not be any space for a garden for new three-bedroom house, or for 13b which currently enjoys proposed space as garden

## Side space

- Drawings accompanying application conflict. Boundary line on drawing 'existing and proposed elevations' is indicated roughly half-way between no13B and the proposed no 13C. Boundary line indicated on drawing 'proposed floor & block plans' is indicated hard against no13A. Which drawing is correct?
- Boundary is important not just from planning point of view but also for Building Regulation Means of Escape reasons
- Adjoining house is I believe two dwellings with the upper dwelling accessed only from the rear of the property
- If this is so, the access/egress from Cherry Orchard Road will require a pedestrian route along the flank wall of 13A. If the boundary to 13C is hard against the existing wall of 13A this will not be possible.
- Distance between two buildings is shown as only 1096mm

## **D) Support Comments**

- New build house is in keeping with the adjacent houses and will be much better use of current space to provide well-proportioned and much needed to the area family home

The applicant also provided the following in support of the planning application:

- Window overlooking number 15 is in shower of en-suite and will be frosted
- Fir tree are remaining
- 13B can't use grassed area
- Due to proximity of shell garage and Hastings Road there is little wildlife
- Flat roof we plan to have a living garden and the trees will still provide plenty for birds
- Cherry Orchard Road is a no through road therefore traffic is minimal
- Parking available at end of the road which is accessed via Hastings Road so visitors would not need to enter Cherry Orchard Road in their car
- Have asked Shell for access via the garage/ Hastings Road
- At least 2 off road spaces
- New home will shield Cherry Orchard Road from noise and lights from Shell garage and Hastings Road. Will also provide more security
- No plans to cut down fir trees at rear of garden
- No plans to move streetlight
- Access will always be available. It will form part of builders on site health and safety requirements and will be separated from actual building site
- All works would be repaired if any are required
- Only small green area being lost

***Comments are available to view in full on the public access***

## **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 development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (2021).

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

**6.5 National Policy Framework 2019**

**6.6 The London Plan**

- GG1 Building strong and inclusive communities
- GG4 Delivering homes Londoners need
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- H1 Increasing housing supply
- H2 Small sites
- H9 Ensuring the best use of stock
- H10 Housing size mix
- HC1 Heritage conservation and growth
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T5 Cycling
- T6 Car Parking
- T6.1 Residential parking

**6.7 Bromley Local Plan 2019**

- 1 Housing Supply
- 4 Housing Design
- 8 Side Space
- 30 Parking
- 37 General Design of Development

## 6.8 Bromley Supplementary Guidance

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

## 7 ASSESSMENT

### 7.1 Housing position

7.1.1 The current position in respect of Bromley's Five-Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020.

7.1.2 The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply.

7.1.3 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.

7.1.4 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.

7.1.5 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.

7.1.6 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'.

7.1.7 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.

- 7.1.8 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites.
- 7.1.9 This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 7.1.10 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size).
- 7.1.11 Policy D3 requires all development to make the best use of land by following a design led approach.
- 7.1.12 This application proposes to erect 1 residential dwelling which would represent a minor contribution to the borough's housing supply.
- 7.1.13 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 Design and scale – Layout, scale – Unacceptable

- 7.2.1 Design is a key consideration in the planning process.
- 7.2.2 Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.2.3 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.
- 7.2.4 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area, are not just for the short term but over the lifetime of the development, and are visually attractive and sympathetic to the local character and history, including the surrounding built environment and landscape setting.
- 7.2.5 It also seeks to ensure that developments 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.
- 7.2.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.7 Similarly, policies 6 and 37 aim to ensure that new developments are of good architectural quality and respect the scale, spaces and form of the host property as well as developments in the wider area.

- 7.2.8 The main considerations for this application with regards to design and scale relates to how the proposed development would impact the character of the property and wider area.
- 7.2.9 The application proposes to subdivide the existing site in order to erect a 3 bedroom two-storey detached dwelling to infill the vacant land on the south-eastern side of 13B Cherry Orchard Road.
- 7.2.10 The properties on the northern side of the road are generally detached or semi-detached and can be characterised by their exposed brick exteriors, gabled roof designs clad with hanging clay tiles and prominent bay windows at ground floor level.
- 7.2.11 The application site would also be adjacent to a pair of more contemporary semi-detached dwellings that are slightly lower than other properties on the northern side of the road.
- 7.2.12 In design terms, the proposed new dwelling would be most closely related to the two-storey detached properties on the northern side of the road.
- 7.2.13 It would incorporate a similar gabled roof design and would be sited lower than other detached properties on this side of the road, providing a gradual transition between the properties on the northern side of the road to the pair of lower semi-detached properties to the south-east of the application site.
- 7.2.14 The application also states that the dwelling would be finished in facing brickwork to match the materials on the donor building.
- 7.2.15 However, policy 8 of the Bromley Local Plan requires proposals that involve two storeys or more to retain a 1m separation from the side boundaries for the full height and length of the building.
- 7.2.16 The proposed development would necessitate the subdivision of land at 13B Cherry Orchard Road and whilst the application drawings show that the proposed new dwelling would retain a 1m separation from both flank boundaries, the application site boundary is directly adjacent to the flank wall of the host dwelling at No. 13B meaning that there is only a 1m separation between the two buildings.
- 7.2.17 Given the substantial amount of space that currently exists in this location, the 1m separation between the dwellings would not be sufficient and the proposed development would result in a retrograde lowering in the spatial standards that exist in this area and would thus contravene policy 8 of the Bromley Local Plan.
- 7.2.18 In addition, given the footprint of the proposed dwelling in relation to properties along the road, the proposed new dwelling would have the appearance of a cramped, piecemeal development that results in the serious diminishing of the high spatial standards that exist in this location.

7.2.19 Accordingly, having regard to the form, scale, siting and proposed materials it is considered that the proposed development would appear out of character with surrounding development or the area generally.

### 7.3 Standard of accommodation – Acceptable

7.3.1 Policy D6 of the recently published London Plan sets out new standards that housing developments are expected to meet in order to ensure they are of high quality.

7.3.2 Policy 4 of the BLP similarly requires new residential development to maintain a good level of amenity and to adhere to the minimum space standards set out in the London Plan.

7.3.3 Part 2 of the Mayor of London's Housing SPG places an emphasis on quality housing design and sets out standards for circulation, storage, aspect, dwelling size and room layouts etc.

7.3.4 The proposed new dwelling would have three bedrooms all of which would be considered double bedrooms as per the standards set out in the London Plan.

7.3.5 For planning purposes, the property could therefore have an occupancy level of 6 people.

7.3.6 The proposed floor area of approx. 123sqm would exceed the minimum requirement of 102sqm for 3b6p properties that are spread over two storeys.

7.3.7 In addition, the drawings show that a floor to ceiling height of approx. 2.6m would be maintained throughout the dwelling which would exceed the requirements outlined in the London Plan.

7.3.8 The property would also have an amenity space which exceeds the standards set out in the London Plan.

7.3.9 It is therefore considered that the proposed dwelling would provide an adequate standard of accommodation as per the standards outlined in the London Plan.

### 7.4 Residential Amenity – Acceptable

7.4.1 Policy 37 of the Bromley Local Plan 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.

7.4.2 The proposed new dwelling would incorporate a 1.1m separation (approx.) from the south-eastern flank wall of the donor dwelling which would go some way to reducing the impact it has on the amenities of this property.

- 7.4.3 However, there are two flank facing windows in the south-eastern flank wall of the donor dwelling which may be impacted by the proposals with particular regards to light and outlook.
- 7.4.4 In addition, the proposed design would incorporate windows in the north-western flank elevation at ground and first floor level that look out onto the flank of the donor dwelling.
- 7.4.5 The proposed first-floor windows would serve bedrooms and would provide views into the flank windows at 13B Cherry Orchard Road.
- 7.4.6 Given that the proposed bedrooms would be dual aspect, a condition could be implemented to obscure glaze the flank facing first-floor bedroom windows to protect the amenities of 13B Cherry Orchard Road and potential occupants of the proposed dwelling.
- 7.4.7 The ground floor of the proposed new dwelling would project beyond the rear of both adjoining neighbours at each flank.
- 7.4.8 Comments have also been received raising concerns about the potential impact the proposed development would have on the amenities of adjoining neighbours with particular regard to light and privacy.
- 7.4.9 However, the dwelling would maintain substantial separation from the flank of 13B Cherry Orchard Road and would maintain a minimum of 1m (approx.) from the south-eastern flank boundary.
- 7.4.10 In addition, the height of the proposed extension is not excessive and the additional projection beyond the rear of both adjoining neighbours is considered modest.
- 7.4.11 When considered alongside the separation from the flank boundaries, the development is considered unlikely to result in a substantial impact to neighbouring amenity.
- 7.4.12 The property would include a first-floor window in the south-eastern elevation however, the window would serve a bathroom and a condition requiring this window to be obscure glazed could also be implemented to protect the amenities of this neighbour.
- 7.4.13 Similarly, the proposed windows at ground floor level in this elevation are unlikely to have a substantial impact to the amenities of neighbours.
- 7.4.14 With regards to the adjoining building to the rear, proposed dwelling would maintain substantial separation and would therefore have little impact to the enjoyment of that property.
- 7.4.15 Accordingly, having regard to the scale, siting, separation distance, orientation, existing boundary treatment of the development, it is considered that a

significant loss of amenity with particular regard to light, outlook, prospect and privacy would not arise.

## 7.5 Highways – Acceptable

- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 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.
- 7.5.4 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision.
- 7.5.5 Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.5.6 The proposed dwelling would be located on an existing parking area, resulting in the loss of a parking space for the donor dwelling.
- 7.5.7 However, this is not considered likely to have a significant impact on the highway and there are therefore no technical objections on highways grounds.
- 7.5.8 The application property is located along an unadopted street, so in order to maintain the condition of the road, an informative would be attached to any permission requiring that, at the end of development, the condition of the section of street the proposed development has a frontage should be at least commensurate with that which existed prior to commencement of the development.
- 7.5.9 The applicant should also be advised that before any works connected with the proposed development are undertaken within the limits of the street, it will be necessary for them to obtain the agreement of the owner(s) of the sub-soil upon which Cherry Orchard Road is laid out.

## 7.6 CIL

- 7.6.1 The Mayor of London's CIL is a material consideration. CIL would be payable on this proposal. You will be required to submit a CIL Liability form with any formal submission.

## **8 CONCLUSION**

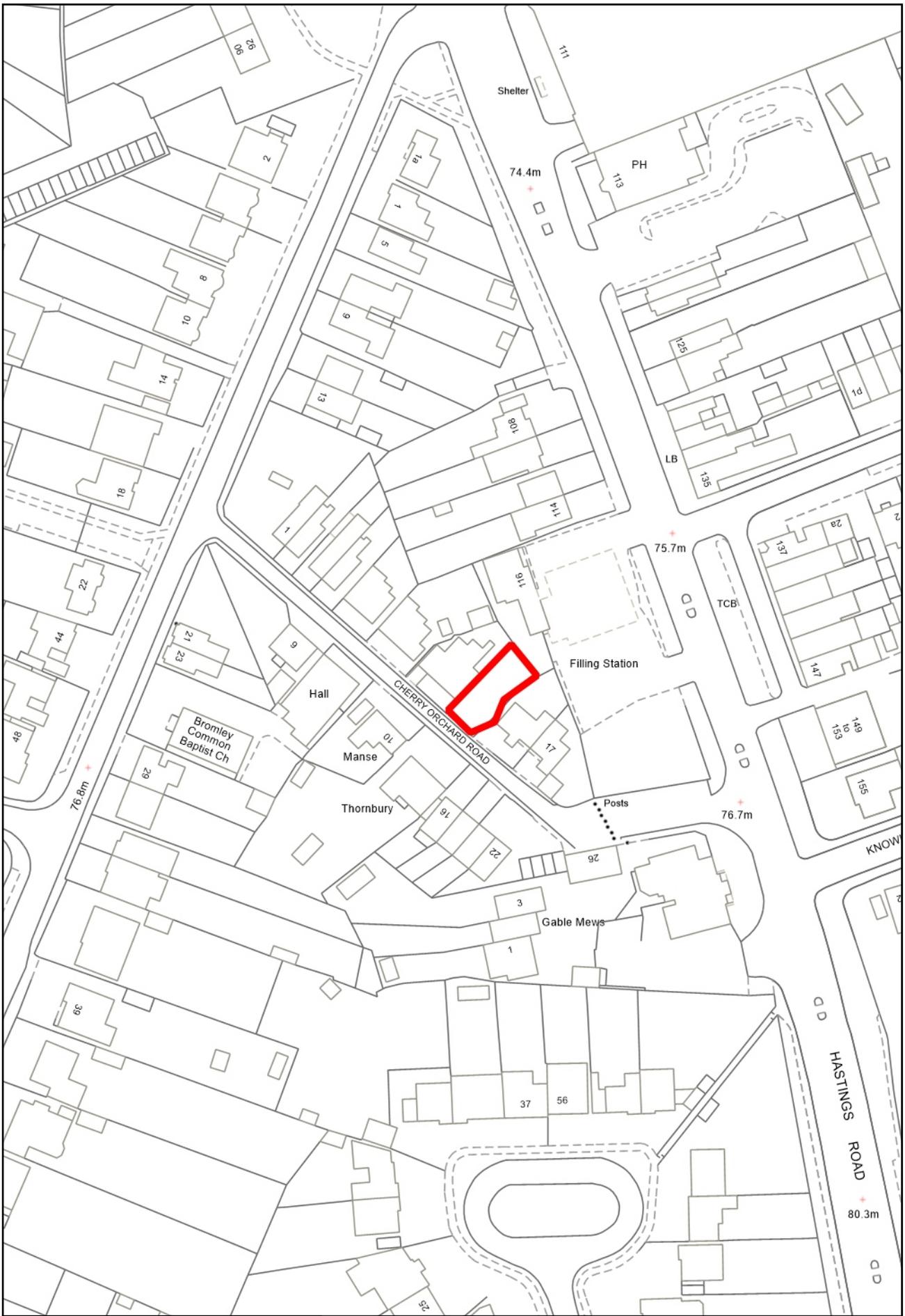
- 8.1 The development would result in the provision of one residential dwelling which would represent a minor contribution to the boroughs overall housing supply.
- 8.2 Harm has however been identified in that the proposed development would be a cramped, piecemeal form of development that seriously diminishes the spatial standards that exist in this location, thus failing to comply with policy 8 of the Bromley Local Plan.
- 8.3 When weighing up the minor benefits of the development and the current position surrounding the Borough's housing supply, it is considered that the harm arising from the development would significantly and demonstrably outweigh the minor benefits of the proposal and should be refused as a result.

### **RECOMMENDATION: Application REFUSED**

#### **The reasons for refusal are:**

- 1. The proposed development, by reason of the design, dimensions and the constraints of the site, would result in a cramped, piecemeal form of development being created that seriously diminishes the high spatial standards that exist in this location. This is contrary to policy 8 and 37 of the Bromley Local Plan.**

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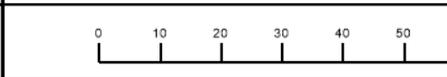
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29 June 2021

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# Agenda Item 4.6

<b>Committee Date</b>	08/07/21	
<b>Address</b>	8 Ebury Close Keston BR2 6EL	
<b>Application Number</b>	21/01946/FULL6	<b>Officer</b> - Catherine Lockton
<b>Ward</b>	Bromley Common and Keston	
<b>Proposal</b>	Part one/two storey side/rear extension to enclose swimming pool and first floor side extension	
<b>Applicant</b> Mr & Mrs M Thomas	<b>Agent</b> Mr Joe Alderman Robinson Escott Planning LLP	
8 Ebury Close Keston BR2 6EL	303 Downe House High Street Orpington BR6 0NN	
<b>Reason for referral to committee</b>	Called-in by ward Councillor	<b>Councillor call in</b>  Yes

<b>RECOMMENDATION</b>	PERMISSION BE GRANTED
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<b>KEY DESIGNATIONS</b>  Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 22 Adjacent to a Conservation Area Tree Preservation Orders
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<b>Representation summary</b>	<i>Adjoining neighbours and those that has provided representations on the previous application at the site (ref: 20/01480/FULL6) were consulted by letter on 19.05.2021.</i>
Total number of responses	1
Number in support	0
Number of objections	1

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would respect and complement the scale and form of the host dwelling and would not be detrimental to the character, appearance and visual amenities of the streetscene within which it lies
- The proposed development would not result in a significant loss of amenity to neighbouring residents.
- The proposed development would not result in any adverse harm to protected trees within and near the site.
- The proposed development would therefore comply with the overarching aims and objectives of Policies 6, 8, 37 and 73 of the Bromley Local Plan.

## 2 LOCATION

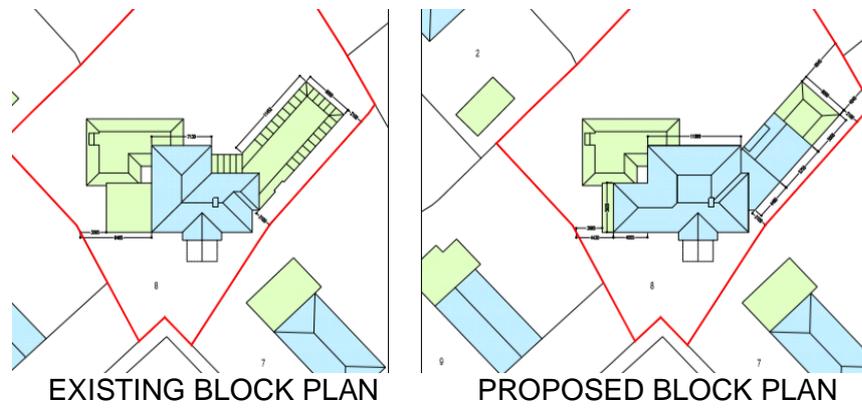
- 2.1 The application site hosts a large two storey detached dwellinghouse located on Ebury Close, Keston.



- 2.2 Ebury Close is a small cul-de-sac located off the southern side of Croydon Road, Keston and comprises 9 large detached dwellinghouses constructed in the late 1960's.
- 2.3 The Close lies adjacent to the Keston Park Conservation Area which lies to the east, south and west of the close, bordering the application site along its eastern rear boundary.
- 2.4 A number of trees within the application site and neighbouring sites are covered by Tree Preservation Orders.

### 3 PROPOSAL

- 3.1 Planning permission is sought for a part one/two storey side/rear extension to enclose swimming pool and first floor side extension.



- 3.2 The proposed extension part one/two storey side/rear extension would be located to the south (side) and east (rear) of the existing dwelling. At ground floor it would replace the existing glazed and brick structure which encloses the existing swimming pool, changing area, plant room, and gym and links this all internally to the main dwelling. The extension would project for a length of 15.2m diagonally to lie adjacent to the existing boundary shared with No. 7.
- 3.3 The first floor element of the proposed side/rear extension would extend above part of the ground floor part of the extension to the side and rear to project only 10.2m in length adjacent to the boundary with No. 7. The full height and length of the extension would be sited 2.1m from this boundary. The roof of this part of the extension above the existing pool (adjacent to the side boundary) would have a part flat roofed section adjoined the existing dwelling and an asymmetrical pitched roof section with rear gable for the remaining two storey length. The single storey part of this extension would have a crown roof.
- 3.4 The extension would also wrap around to the rear to align with the first floor rear elevation of the existing dwelling. This part of the extension would have a hipped roof with a flat ridge section which would adjoin the existing roof of the dwelling.
- 3.5 The flat roofed section of the two storey extension would be clad with vertical timber panels with the remainder of the extension finished with facing brickwork and a tiled roof to match the existing dwelling.
- 3.6 The proposed first floor side extension would be located to the north-western side of the dwelling above the existing attached garage and would measure approximately 4m in width by 5.9m in length. The front of the extension would align with the front of the existing dwelling and it would have a hipped roof with an eaves height to match the existing main roof, but with a ridge height set below that of the main roof.
- 3.7 Revised plans were received 29.06.21 to show a revised internal layout for the proposed first floor side extension so that the proposed en-suite bathroom would be located at the front and the bedroom area to the rear of this part of the extension. The window within the front elevation has therefore been amended to be smaller and obscure glazed.
- 3.8 The first floor side extension would be finished with facing brickwork and a tiled roof to match the existing dwelling.



EXISTING AND PROPOSED FRONT ELEVATION

#### 4 RELEVANT PLANNING HISTORY

- 4.1 The application property was constructed in the late 1960's as part of a development of 9 detached houses and road granted under ref: 64/300 in the grounds of No. 47 Croydon Road.
- 4.2 A number of subsequent details applications were granted in relation to this approved development under ref's: 66/01094, 66/01824, 67/00368, 67/00768, 67/00994, 67/01146, 67/01147, and 68/02186.
- 4.3 Under ref: 84/00173/FUL, planning permission was granted for a single storey rear extension.
- 4.4 Under ref: 00/02756/FULL1, planning permission was refused for a two storey rear extension, pitched roof over existing single storey rear extension and new chimney stack for the following reason;
 

“The proposed pitched roof and two storey rear extension would by reason of their size and bulk be detrimental to the amenities of adjoining properties in terms of loss of prospect and visual impact, contrary to Policies E.1 and H.3 of the Unitary Development Plan.”
- 4.5 Under ref: 00/03404/FULL1, planning permission was granted for a two storey rear extension.
- 4.6 Under ref: 03/03075/FULL6, planning permission was granted for a single storey side/rear extension, front porch and pitched roofs over single storey side/rear extension.

- 4.7 Under ref: 04/03420/FULL6, planning permission was granted for the construction of an open air swimming pool.
- 4.8 Under ref: 05/04473/FULL6, planning permission was granted for a single storey side/rear extension to enclose swimming pool.
- 4.9 Under ref: 07/00179/FULL6, planning permission was granted for a first floor side extension. This does not appear to have been implemented.
- 4.10 Most recently, under ref: 20/01480/FULL6, planning permission was refused for a part one/two storey side/rear extension to enclose swimming pool and first floor side extension for the following reasons;

“The proposed part one/two storey side and rear extension, by reason of its excessive size, height, bulk, massing and lack of adequate side space, would result in a disproportionate addition to the host dwelling which would fail to respect its scale and form and size of the site within which it lies and would be harmful to the spatial standards and characteristics of the wider area in general; thereby contrary to Policies 6, 8 and 37 of the Bromley Local Plan and Policies 7.4 and 7.6 of the London Plan.”

## **5 CONSULTATION SUMMARY**

### **A) Statutory**

Trees: An arboriculture submission has detailed tree constraints and proposed precautionary measures. The impact on protected trees is within acceptable limits and will be overseen by the retained Arboricultural Consultant. Therefore, it is considered that the development may proceed in accordance with the Arboricultural Report and subject to appropriate conditions.

Environmental Health: No objection

### **B) Local Groups**

No comments received.

### **C) Adjoining Occupiers**

#### Impact on the living conditions of No. 9 (addressed in paragraphs 7.2.3 to 7.2.5)

- Objection to extension over the garage; although the window from the side elevation has been removed, the flank wall is still very close to the garden of No. 9, towering over the garden and would be overbearing. The view from the garden of No. 9 would be a 6m high brick wall with pitched roof on top less than 2m from the fence.
- No. 9 already has a loft conversion with full height windows built on Croydon Road looking over the garden within planning and this proposed extension would make the garden of No. 9 a space that does not fit the house.

- The brickwork on the plans shows it to match the existing but No. 8 has had a previous rear extension and the brickwork is a very poor match. It is feared that the new extension would also be of poor quality in respect of the brickwork.
- The current first floor window overlooks No. 9 and the new first floor window at the front would overlook the lounge French doors and garden of No. 9 even more.
- Loss of privacy.
- Loss of light.

## **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 London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

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

### **6.6 National Policy Framework (2019)**

#### **6.7 The London Plan (2021)**

- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- G7 Trees and woodlands

#### **6.8 Bromley Local Plan (2019)**

- 6 Residential Extensions
- 8 Side Space
- 37 General Design of Development
- 42 Development Adjacent To a Conservation Area
- 73 Development and Trees
- 77 Landscape Quality and Character

## 6.9 Bromley Supplementary Guidance

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

## 7 ASSESSMENT

### 7.1 Design, Scale and Layout – Acceptable

- 7.1.1 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.
- 7.1.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.1.3 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
- 7.1.4 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.
- 7.1.5 Policies 6 and 37 of the Bromley Local Plan 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.
- 7.1.6 Policy 8 of the Bromley Local Plan also relates specifically to Side Space and states that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building; or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
- 7.1.7 Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".

- 7.1.8 This application follows a recently refused application (ref: 20/01480/FULL6) at this site for a similar extension which was refused on the basis that the excessive size, height, bulk, massing and lack of adequate side space of the part one/two storey side and rear extension to enclose the existing pool would have resulted in a disproportionate addition to the host dwelling which would fail to respect its scale and form and size of the site within which it lies and would be harmful to the spatial standards and characteristics of the wider area in general.
- 7.1.9 This previously refused application included a similar first floor side extension above the existing garage and two storey extension above the existing swimming pool. However, the extension above the existing pool was two storeys for its full length and had a differing roof design. It also included a small single storey element adjoining the side boundary which would have housed the pool equipment. The first floor side extension above the existing garage to the north-western side proposed under this previous application was also slightly wider but had a slightly lesser length and included a hipped roof with a ridge height to match the existing.
- 7.1.10 The first floor side extension above the existing garage has been reduced by approximately 0.2m in width and increased by approximately 0.4m in length towards the rear. The ridge height of the roof has also been lowered slightly to sit below the ridge height of the existing dwelling.
- 7.1.11 The footprint of the ground floor of the part one/two storey side and rear extension to the south and east side would be similar to that proposed under ref: 20/01480. However, the proposed single storey pump room has been removed ensuring that a full 2.1m separation would be retained from the flank wall of the extension to the side boundary.
- 7.1.12 The first floor footprint of the part one/two storey side and rear extension has been reduced by 5m in length. The roof of the two storey extension has also been altered with the flat roofed section to the rear removed and replaced with a crown hipped roof to match the eaves and ridge height of the existing dwelling and the flat roofed section to the side reduced slightly in length. The hipped roof section to the side proposed as part of the previous application has also been replaced with an asymmetrical pitched roof with rear gable end 4.5m shorter in length and with a ridge height around 1.1m lower in height.
- 7.1.13 The first floor side extension to the north-western side above the existing garage would align with the first floor front wall of the existing dwelling but would be set back from the rear wall. It would also be set in from the flank wall of the garage below by 1.3m. A separation of a minimum of 4m would be provided from the flank wall of the first floor extension and the existing separation of a minimum of approximately 2.8m maintained from the existing ground floor flank wall of the garage below. This would ensure compliance with the technical requirements of Policy 8 of the Bromley Local Plan as well as its aims and objectives in terms of protecting the spatial standards of the area.

- 7.1.14 The ridge of the roof to the first floor side extension has been set below that of the main roof to provide an element of subservience in terms of its overall appearance. The extension would also be finished with facing brick work walls and a tiled roof to match the existing dwelling with the size, design and positioning of the windows to the front and rear would also match those of the existing dwelling.
- 7.1.15 The proposed part one/two storey extension to the rear and south-eastern side of the dwelling would have a similar footprint at ground floor as the existing pool extension, but would be much more solid in appearance than the existing glazed structure. It would also result in an increase in size, bulk and massing at first floor.
- 7.1.16 It was acknowledged in the consideration of the 2020 application, that due to the location of the property and siting of the extension, that the extension to the south and east of the property would not be widely visible from the streetscene. However, due to its substantial size, bulk and massing would be a disproportionate addition to the host dwelling which would appear overly dominant and would fail to respect its existing scale and form and that of surrounding development.
- 7.1.17 The size, bulk and massing of the first floor side part of the extension has been significantly reduced from that proposed under the previously refused 2020 application. The extension at first floor would be 5m shorter in length and the roof design to the rear section would be less bulky and lower in height than that of the previous proposal. The flat roofed section with vertical timber cladding would still differ to the existing brick built tiled roof dwelling. However, it is considered to add a complementary link between the more traditional brick built dwelling and the remainder of the extension.
- 7.1.18 The two storey rear element of the extension, whilst including a larger roof, would relate better to the host dwelling and given its location to the rear would not be visible from the wider public realm.
- 7.1.19 The removal of the single storey pump room would also ensure that a full separation of 2.1m would be provided from the extension to the side boundary shared with No. 7.
- 7.1.20 Having regard to the above, it is considered that the proposed extensions would respect and complement the scale and form of the host dwelling and site within which it lies and would not result in any adverse harm to the character, appearance and visual amenities of the streetscene.

## 7.2 Residential Amenity – Acceptable

- 7.2.1 Policy 37 of the Bromley Local Plan 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.

- 7.2.2 As summarised within Section 5 of this report, concerns have been raised by the neighbouring property at No. 9 Ebury Close which is located to the front and western side of the application site. These objections relate solely to the impact of the proposed first floor side extension above the existing garage and raise concerns with regards to its overbearing appearance and loss of privacy due to its size and proximity to No. 9 given their existing relationship.
- 7.2.3 The proposed first floor side extension would be located to the north-western side of the application dwelling. It would be sited a minimum of 4m to the western side boundary of the application site which forms the rear boundary of No. 9. A distance of a minimum of approximately 14m would be maintained from the front of this extension to the rear of this neighbouring dwelling. The extension would not extend higher than the existing main roof of the dwelling and would also have a hipped roof design which would help minimise its visual appearance. Accordingly, whilst the extension would be visible from the rear of No. 9 and its garden area, it is not considered to give rise to any significant loss of outlook or prospect to these neighbouring occupiers.
- 7.2.4 The proposed first floor side extension would not include any flank windows. However, it would include a window within the front elevation which would be closer to the boundary shared with No. 9 than the existing first floor front windows. However, the revised plans received 29.06.21 show that this front window would be smaller and obscure glazed as it would now serve the en-suite bathroom.
- 7.2.5 Having regard to these revisions, which include the reduction in the size of the window and the provision of obscure glazing, would help mitigate any overlooking and as such the proposed extension is not considered to result in any adverse loss of privacy.
- 7.2.6 The proposed part one/two storey side/rear extension would be located to the south and eastern side of the dwelling adjacent to the boundary with No. 7 Ebury Close. The properties at No.'s 53 and 55 Forest Drive also border the rear of the property. The rear of the single storey element of the proposed extension would be located only a minimum of 4m from the rear boundary shared with these properties within Forest Drive; however, this would be no less than the existing pool structure.
- 7.2.7 The first floor element of the extension would be sited a minimum of 9m from this rear boundary. Both these neighbouring properties to the rear benefit from substantial rear gardens. In addition, there are a number of protected trees which lie along this common boundary which provide screening. As such, the proposed extension is not considered to give rise to any adverse loss of residential amenity to these neighbouring properties at the rear.
- 7.2.8 The neighbouring dwelling at No. 7 is sited away from its northern boundary which forms the southern boundary of the application site and benefits from an attached single storey garage which forms the closest part of No. 7 to the application site. The proposed extension would therefore be sited around 10m

from the main part of this neighbouring dwelling. The mature trees which lie along the boundary would also help provide some screening to reduce the overall visual impact.

7.2.9 Accordingly, given the siting of the dwellings, with No. 7 also located due south of the application site, it is considered that the proposed extension would not give rise to any significant loss of light or outlook to this neighbouring dwelling.

7.2.10 The proposed part one/two storey side and rear extension would contain a large proportion of glazing at ground floor along the flank elevation facing No. 7. However, given the glazed nature of the existing structure, the ground floor location of these windows, they are not considered to result in any harmful loss of privacy.

7.2.11 One first floor flank window is proposed which would serve an en-suite bathroom and could be required by way of a condition of any approval to be obscure glazed and of limited opening to reduce any opportunities for overlooking.

7.2.12 Having regard to the above, it is considered that, on balance, no significant loss of amenity to neighbouring residents, with particular regard to light, outlook, prospect and privacy, would arise from the proposed development.

### 7.3 Trees – Acceptable

7.3.1 Policy 73 (Development and Trees) states that proposals for new development will be required to take particular account of existing trees on the site and adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

7.3.2 There are a number of trees located within and close to the site. However, the Council's Tree Officer has advised that he is happy that the development can proceed subject to conditions requiring the development to be implemented in accordance with the details set out in the submitted Arboricultural Report dated 10.07.20 under the supervision of a retained arboricultural specialist and details of all tree protection monitoring and site supervision by a suitably qualified tree specialist.

## **8 CONCLUSION**

8.1 Having had regard to the above, it is considered that the proposed development is acceptable.

8.2 The scale and design of the proposed extensions would respect and complement the scale and form of the host dwelling and that of surrounding development and would not be detrimental to the character and appearance of the area and locality.

8.3 The proposed development would not give rise to any significant loss of residential amenity to neighbouring occupiers.

- 8.4 The proposed development would not result in adverse harm to protected trees within and nearby the site.
- 8.5 The proposed development would therefore comply with the overarching aims and objectives of Policies 6, 8, 37 and 73 of the Bromley Local Plan.
- 8.6 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 permitted**

**Subject to the following conditions:**

- 1. Standard time limit of 3 years.**
- 2. Standard compliance with approved plans.**
- 3. Details of all tree protection monitoring and site supervision by a suitably qualified tree specialist.**
- 4. Development implemented in accordance with submitted Arboricultural Report dated 10.07.20.**
- 5. Materials as set within the application documents.**
- 6. Obscure glazing to south-eastern flank window within proposed part one/two storey side/rear extension to enclose swimming pool.**
- 7. Obscure glazing to first floor front window within proposed first floor side extension.**

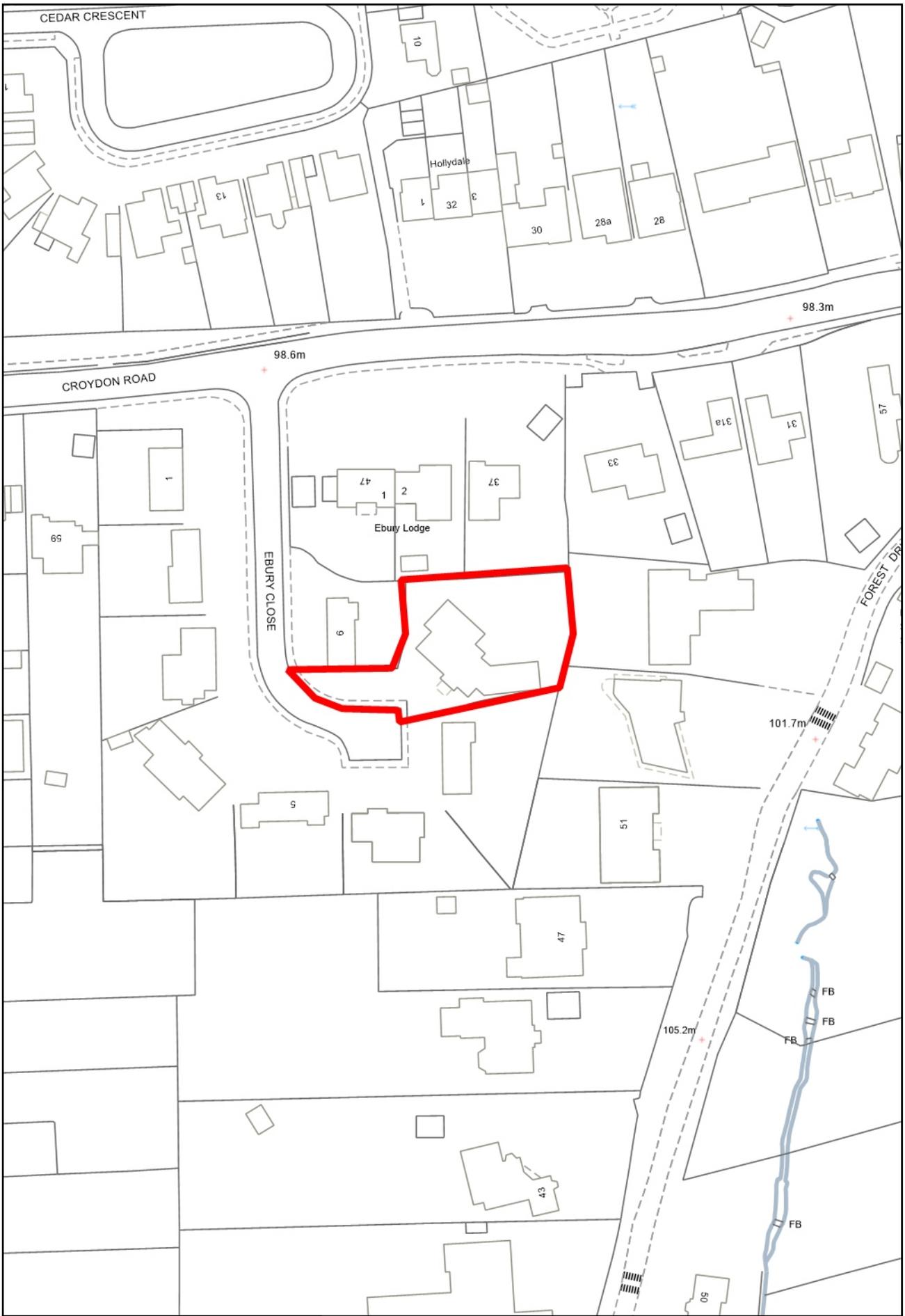
**Any other planning condition(s) considered necessary by the Assistant Director of Planning**

**Informatives**

*1. Control of Pollution Act 1974 and/or the Environmental Protection Act 1990 and Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017.*

*2. Suspected contamination – contact Environmental Health.*

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Report No.  
CSD21068

London Borough of Bromley

## PART ONE - PUBLIC

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**Decision Maker:** Plans Sub- Committee No. 2

**Date:** 8 July 2021

**Decision Type:** Non-urgent Non-Executive Non-Key

**Title:** LAND AT THE BACK OF NUMBER 4 AND NUMBER 5 LEAVES GREEN CRESCENT, KESTON, BR2 6DN

**Contact Officers:** Angela Sheppard  
Tel: 020 8461 7536 E-mail: angela.sheppard@bromley.gov.uk

**Chief Officer:** Assistant Director,  
Planning & Building Control, Housing, Planning & Regeneration

**Ward:** Darwin

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### 1. Reason for report

In 1994 Planning Permission was granted for change of use of the land from grazing land to residential garden with Condition 1 stating Permitted Development Rights were removed from this land.

In 1996 Planning Permission was granted for a detached double garage with Condition 3 which requires that the garage should be used for purposes ancillary to the residential use of 4 Leaves Green Crescent, and not for commercial or other purposes.

The current structure now has the appearance of a bungalow, with an attached garage, with a separate vehicle access path in the rear garden. In April 2020 it was reported that an extension had been added to the western end of an existing single storey detached double garage in the rear garden. In July 2020 it was also reported that a second building had been constructed to the east of the original double garage, but not attached to that building. The owner asserts these are both within Permitted Development Rights. This is not the view shared by Planning Investigation.

Members are requested to agree to whether all the necessary enforcement action should be pursued in order to remedy the current breaches of planning control.

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### 2. RECOMMENDATION

**Planning Enforcement Action be authorised to require the current owner to:**

- 1) remove from the Land; the extension to the existing detached garage; in the approximate position marked A on the attached plan, and

- (2) remove from the Land; the single storey detached outbuilding adjacent to the double garage; in the approximate position marked B on the attached plan, and developments, and
- (3) reinstate the Land and restore the existing detached garage to its condition prior to the unauthorised developments, and
- (4) remove from the Land all materials and debris associated with paragraph 5(1), 5(2) and 5(3).

### 3. COMMENTARY

- 3.1 The site is a piece of former grazing Land which on 30th March 1987 was acquired by the occupier of No. 4 Leaves Green Crescent Keston, BR2 6DN. The Land was thereafter used in connection with No. 4 Leaves Green Crescent. Subsequently on 28<sup>th</sup> August 2019, No. 5 Leaves Green Crescent (the current owner) purchased that Land. The Land however, is still registered at the Land Registry as Land at the back of 4 Leaves Green Crescent, Keston.

The owner has constructed without planning permission an extension to a detached garage building, and has constructed a separate detached building, as a result of that; the owner has breached two planning conditions which are attached to the said Land.

#### Background

- 3.2 Under planning reference 94/00028/FULL6 planning permission was granted for the change of use of the land from grazing land to land within the residential curtilage of No.4 Leaves Green Crescent, subject to conditions, and in particular Condition 1, which reads as follows:

*“Notwithstanding the provisions of the Town and Country General Development Order 1988 (or any Order amending revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind, other than those hereby permitted, shall be erected or carried out on the land the subject of this permission without the prior written approval of the Local Planning Authority”.*

- 3.3 Permitted Development rights were removed, in order to allow the Council to consider any additional development on the site which is located in an Area of Special Landscape Character within the Green Belt.

- 3.4 Under planning reference 96/00714/FUL permission was granted for a detached double garage, subject to conditions, in particular Condition 3, which reads as follows:

*“The garage shall only be used for purposes ancillary to the residential use of 4 Leaves Green Crescent and shall not be used for any commercial or other purpose.”*

- 3.5 Under planning reference 19/05262/FULL6 permission was refused for an extension to the eastern end of an existing single storey detached double garage to incorporate a study and playroom. The reasons for the refusal are as follows:

*“The proposal would constitute inappropriate development in the Green Belt and would result in a detrimental impact on its openness and visual amenity with no very special circumstances demonstrated to outweigh the harm caused; thereby the proposal would be contrary to Policy 51 of the Bromley Local Plan.*

*The proposal, by reason of its size, layout, siting and detached position, is capable of being severed and used as a separate self-contained unit of accommodation and therefore does not represent an ancillary form of accommodation to the main dwelling, which would in turn result in a cramped form of development that would be out of character with the area and contrary to Policy 7 of the Bromley Local Plan.”*

### Breach of Planning Control

- 3.6 On 27<sup>th</sup> May 2020 the site was visited. It was observed that an extension had been added to the western flank elevation of the detached double garage (permitted in 1996) within the residential curtilage of No.5. The extension had a flat roof and had the appearance of a garage with an up and over garage door to the front. The former double garage had two sets of double patio doors with side panel windows where the previous garage entrances would have been.
- 3.7 The new extension joins onto the larger building and has a doorway between the two buildings. The flat roof extension is 2.5m in height. It was explained that as the extension forms part of the larger building because they are attached, they become one building. The height of the original double garage measures 4.16m in height, the extended garage is 0.7m from the boundary. Permitted Development only allows a structure of 2.5m in height within this proximity of the boundary.
- 3.8 The owner was emailed the relevant legislation, in relation to Permitted Development regarding outbuildings on his request, as follows:
- “The relevant guidance is found within The Town & Country Planning (General Permitted Development) (England) Order 2015, Class E, Sub Paragraph E which specifically refers to “any part” of the building being within 2M of the boundary, then the building cannot exceed 2.5M. in height.”*
- 3.9 The owner was given three options to resolve the matter, as follows:
1. *Submit a valid retrospective planning application within 14 days from the date of this Email for determination.*
  2. *Separate the new flat roof building from the larger structure.*
  3. *Do nothing and risk formal enforcement action being commenced against you by the Council to remove the unauthorised work.”*
- 3.10 In June 2020 a letter was received from the owner which refuted the assertion that the development was not Permitted Development. However, the owner agreed to separate the extension from the original double garage.
- 3.11 On 21 July 2020 the Council received photograph evidence from a complainant showing the extension remained joined to the original double garage. This contradicted the agreement from the owner to separate these buildings. Further, a second building had been constructed to the east of the original double garage, separated from that building by only approximately one metre.
- 3.12 On 14<sup>th</sup> August 2020 an email was sent to the owner explaining that Permitted Development rights were removed in 1994. Consequently, planning permission is needed for both new buildings.
- 3.14 No planning application has been received for any of the new buildings.

## Planning Assessment

- 3.15 It appears to the Council that the above breach of planning control has occurred within the last four years. Planning permission reference no. 94/00028/FULL6 was granted on 7 March 1994 for the change of use of grazing land (Land Registry Title Number SGL483516) rear of No.4 Leaves Green Crescent, Keston, to residential garden, and retention of 2 pigeon lofts, storage shed and aviary (Retrospective Application) subject to conditions.
- 3.16 Planning permission reference no. 96/00714 was granted on 23 May 1996 for a detached double garage within the residential curtilage of No.4 Leaves Green Crescent which included Land Registry Title Number SGL483516. (No. 4 Leaves Green Crescent has a separate title number)
- 3.17 No planning permission has been sought for either the attached extension on western flank elevation of original double garage or the single storey detached outbuilding erected adjacent to the east side of the existing double garage.
- 3.18 It is considered that the extension to the original double garage and the single storey detached outbuilding constitutes inappropriate development in the Green Belt which has a detrimental impact on its openness and visual amenity, in which no very special circumstances are considered to outweigh the harm caused; thereby the development is contrary to The National Planning Policy Framework, paragraph 145, Policy 51 of the Bromley Local Plan and G2 of the London Plan.

## Summary

- 3.19 In 1994 planning permission was granted for a change of use of the land from grazing land to residential garden, subject to conditions, in particular Condition 1, removing permitted development rights.
- 3.20 In 1996 planning permission was granted for a detached double garage, subject to conditions, in particular Condition 3, requiring the garage to be used for purposes ancillary to the residential use of No.4 Leaves Green Crescent and not for commercial or other purposes.
- 3.21 The current structure now has the appearance of a bungalow, with an attached garage, with a separate vehicle access path in the rear garden. In April 2020 it was reported that an extension had been added to the western end of an existing single storey detached double garage in the rear garden. In July 2020 it was also reported that a second building had been constructed to the east of the original double garage, but not attached to that building. The owner asserts these both fall within Permitted Development Rights. This is not the view shared by Planning Investigation for the reasons given above.

## **4. POLICY IMPLICATIONS**

Existing Policy and is addressed in report

## **5. FINANCIAL IMPLICATIONS**

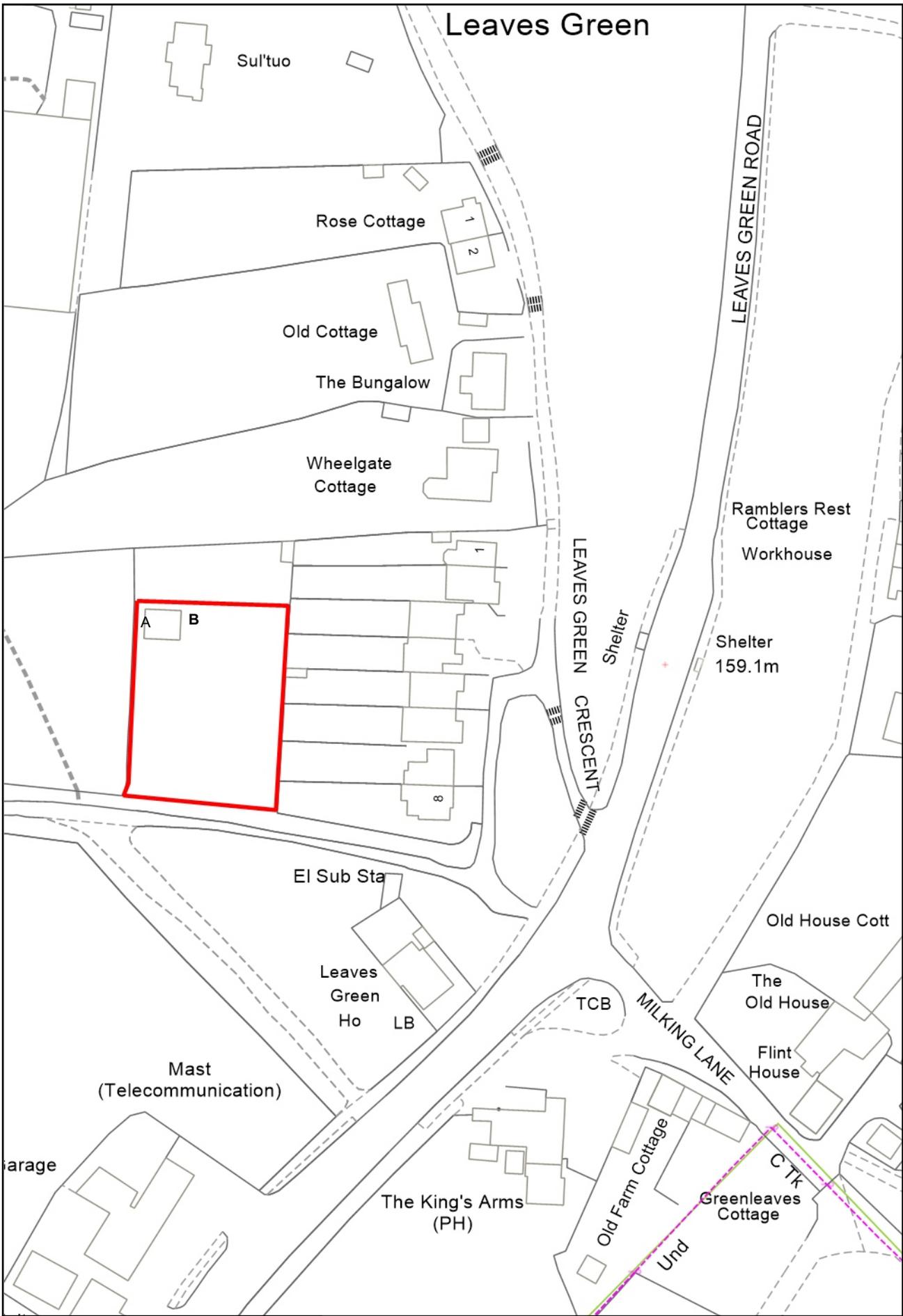
On-going costs - Matter will be dealt with within the financial budget

## **6. LEGAL IMPLICATIONS**

Statutory requirement

<b>Non-Applicable Sections:</b>	Impact on Vulnerable Adults and Children; Procurement Implications, Personnel Implications
Background Documents: (Access via Contact Officer)	Not applicable

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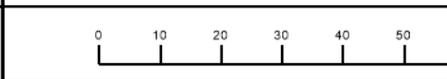


Land at the back of number 4 and  
number 5 Leaves Green Crescent,  
Keston, BR2 6DN



07 June 2021

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