



THE LONDON BOROUGH
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DATE: 17 January 2024

To: Members of the
PLANS SUB-COMMITTEE NO. 1

Councillor Alexa Michael (Chairman)
Councillor Christine Harris (Vice-Chairman)
Councillors Jonathan Andrews, Graeme Casey, Kira Gabbert, Colin Hitchins,
Jonathan Laidlaw, Ruth McGregor, Tony Owen and Mark Smith

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre,
Stockwell Close, Bromley, BR1 3UH on **THURSDAY 25 JANUARY 2024 AT 7.00
PM**

TASNIM SHAWKAT
Director of Corporate Services & Governance

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

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

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

To register to speak please telephone Democratic Services on 020 8461 7588

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

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

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 23RD NOVEMBER 2023**
(Pages 1 - 8)
- 4 **PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	St Mary Cray	9 - 30	(22/03652/FULL1) - 57 Star Lane, Orpington BR5 3LJ
4.2	Farnborough & Crofton	31 - 40	(23/01743/FULL6) - 87 Southlands Avenue, Orpington, BR6 9ND

5 **CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

6 **TREE PRESERVATION ORDERS**

NO REPORTS

The Council's [Local Planning Protocol and Code of Conduct](#) (section 30, page 19) sets out how planning applications are dealt with in Bromley.

PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 23 November 2023

Present:

Councillor Alexa Michael (Chairman)
Councillor Christine Harris (Vice-Chairman)
Councillors Jonathan Andrews, Graeme Casey, Kira Gabbert,
Colin Hitchins, Ruth McGregor, Tony Owen and Mark Smith

Also Present:

Councillors Keith Onslow and Alison Stammers

36 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies received from Cllr Laidlaw.

37 DECLARATIONS OF INTEREST

None received.

38 CONFIRMATION OF MINUTES OF MEETING HELD ON 28TH SEPTEMBER 2023

The Minutes of the meeting held on 28th September 2023 were confirmed and signed as a correct record.

39 PLANNING APPLICATIONS

39.1 PENGE & CATOR

(21/05656/FULL1) 62 Kings Hall Road, BR3 1LS

Alterations and conversion of the existing day nursery into 4 self-contained flats.

Following the presentation of the application from Planning, the Chairman brought to the Committee's attention the written comments received from Councillor Jeal and his fellow Ward Members, with the statement circulated to Members at the meeting.

The Chairman then informed the Committee that she was in agreement to the grounds for refusal as stated

in the Planner's Report. Agreement was also received from Committee Members.

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

**39.2
PENGE & CATOR**

**(21/05715/FULL1) - Cyphers Indoor Bowling Club,
Kings Hall Road, Beckenham, BR3 1LP**

Demolition of existing buildings, erection of a part one, part two storey building to provide a day nursery, erection of a 3 storey building to provide 18 residential units with associated play space, hard and soft landscaping, car parking and ancillary works (Revised scheme).

An oral presentation of the application was received from Planning, with confirmation of the recommendation for refusal for the reasons stated on pages 78 and 79 of the report.

Following the presentation of the application from Planning, the Chairman brought to the Committee's attention the written comments received from Councillor Jeal and his fellow Ward Members, with the statement circulated to Members at the meeting.

The Chairman informed the Committee that she was in agreement to the grounds for refusal in the Planner's Report, highlighting that no special circumstances had been identified and the application was considered to be inappropriate development in Metropolitan Open Land (MOL). Agreement was also received from Committee Members.

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

**39.3
BECKENHAM TOWN &
COPERS COPE**

**(22/04039/FULL2) - School House, Overbury
Avenue, Beckenham BR3 6PZ**

Change of use of School House from educational (school) use falling within Class F1 to a pre-school

(Class E(f)). RETROSPECTIVE application.

An oral representation in objection to the application was given by a neighbour, who explained that he was also representing views of local residents. Members were informed that the noise from the pre-school has a detrimental impact on neighbouring properties, confirmed by the number of objections raised to the application. It was felt that the noise impact assessment carried out was not realistic due to dense foliage masking the level of noise. The Speaker requested that the children are only allowed to play at the front of the house to limit the effects of noise.

It was confirmed that the only screening between the property and the pre-school garden is a single garden fence. In response to a question from a Committee Member, the Speaker confirmed that there was virtually no noise impact when the children were inside the pre-school and noise was minimal when the children played in the front of the pre-school. A limit to the amount of playing time was also mentioned.

The Committee were also informed that the office and an upstairs bedroom overlook the garden area of the pre-school, together with the back garden resulting in a lack of privacy. Proper noise reducing screening would also be welcomed.

An oral representation was then received from the Agent in support of the application. Members were informed that it was felt there would be no adverse impact to residents if the pre-school adhered to the proposed conditions. The pre-school opening hours were highlighted with the result that any noise generated is limited to these hours. With regard to the impact on traffic and parking, the Speaker explained that it was felt this is minimal as a lot of children arrive on foot or with siblings attending Clare House Primary School.

The outcome of the Noise Impact Assessment was referred to by the Speaker, confirming that the impact on neighbouring premises is relatively low. Following discussions with Environmental Health, it has been agreed that the children play in front of the pre-school, and that is the plan going forward.

In response to a question from a Member, the Speaker confirmed that there are currently no plans to

increase the number of children at the pre-school or to extend the premises.

The Vice-Chairman, Councillor Harris, then read out a statement from Ward Member, Councillor Tickner, as he was unable to attend the meeting in person. Councillor Tickner brought to the Committee's attention the adverse and unnecessary noise impact on residents and highlighted the large number of written objections.

The Committee then discussed the application, and a Member mentioned that there is a need within the Borough for nursery provision. It was also felt that if approved, imposing conditions regarding screening, limiting outside use, windows being obscured etc would be a good idea.

The question of whether restricting children's time spent outside for playing and learning was appropriate for a pre-school was also discussed. The need for more investigation into the noise impact was also highlighted as among the reasons for a deferral of the application.

Planners did remind Members that only planning considerations could be taken into account and confirmed that any breaches of any conditions imposed could be reported to the Council.

A motion to **APPROVE** the application in line with Officers' recommendations was then voted on but not carried.

Members having considered the report, objections and representations, then **RESOLVED that the APPLICATION BE DEFERRED – To seek further noise assessments and confirmation that the existing noise is not a nuisance.**

**39.4
PETTS WOOD & KNOLL**

(23/03040/FULL6) - 13 Birchwood Road, Petts Wood, Orpington, BR5 1NX

Addition of electric gates to front of property.

An oral presentation of the application was received from Planning which updated the recommendation to add impact on the ASRC to the reason for refusal.

An oral representation in support of the application was received from the applicant. Members heard that Birchwood Road is a long straight road, often used as a cut through to shops in Petts Wood. The road is often busy with people driving both recklessly and at speed. Over the last three years the volume of traffic and frequency of speeding has increased. The Speaker stated that he had to bear the cost of repairing his wall after an accident caused a lot of damage, and he is concerned for the safety of his children.

The Committee heard that the proposed gates have been designed in a sympathetic way, in-keeping with the style of the home, other properties in the road and other gates already in place at other houses. In addition, it is felt that the low-level aspect and open design of the gates will not create any visual intrusion or impact, with the gates planned to finish just above the existing brick piers. This is also seen to be in accordance with the requirements of Areas of Special Residential Character (ASRCs).

An oral representation was then received from Ward Member, Councillor Onslow in support of the application. Councillor Onslow stated that he is aware of the Conservation Status of the area and the guidance around ASRCs. However, it is felt that this application should be considered on its individual merits, with Members still mindful of the impact on the Conservation Area and the ASRC.

Councillor Onslow confirmed his understanding and support for the applicant's fears over speeding traffic and reckless driving in Birchwood Road, together with his desire to protect his family. This is coupled with the additional security the gates will provide to enable the applicant to protect his property.

The Committee heard Councillor Onslow's view that the proposed design of the gates complements the low-level walls and pillars in the front garden, and as they would match the height of the existing pillars would not be obtrusive with minimal impact.

Following the presentation, the Chairman referred to written comments provided by Ward Member, Councillor Fawthrop in support of the recommendation for refusal, with the comments circulated to Members at the meeting. Councillor Fawthrop highlighted parts

of the Areas of Special Residential Character (ASRCs) policy and guidance, and the importance of maintaining these areas.

Ward Councillor and Committee Member, Councillor Owen, then addressed the Committee to reinforce his view that Conservation Areas are put in place for a reason and every effort should be made to maintain them, including the need to retain low walls and open gardens in such cases. Councillor Owen confirmed his agreement to Officers' recommendation to refuse the application.

During discussions by Members, it was mentioned that roads have changed over the years becoming more dangerous and people have the right to ensure the safety of their family and also the security of their property. Some Members also confirmed their view that the gates were a suitable design and sympathetic to the surroundings.

A motion to **REFUSE** the application in line with Officers' recommendations was then voted on but not carried.

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

The application would respect the ASRC and not harm the character or appearance of the conservation area; it would additionally increase the safety and security of occupiers.

and,

Subject to updated plans showing the gates not exceeding the height of the piers and such conditions the Assistant Director (Planning) considers necessary.

**39.5
CHISLEHURST**

**(23/03109/FULL6) - Barton, Kemnal Road,
Chislehurst, BR7 6LY**

Installation of 28 solar panels (RETROSPECTIVE).

Following a presentation by Planning, an oral representation was received from a neighbour in objection to the application. The Committee heard that the design, scale and position of the 28 solar panels is

unacceptable to neighbouring residents. Additionally, it is felt that it seems more like an industrial installation, does not enhance the appearance of the area and harms the visual amenity, with views from the adjoining flats being adversely affected. The Speaker said there was no objection to the 12 solar panels previously installed as it was more acceptable for the size of property, but the additional 28 panels is too large and intrusive.

In response to a question from a Member, the Speaker informed the Committee that there was an initial consultation with the applicant, and he agreed to provide visuals of the design etc, but this never happened and the installation just went ahead.

Visiting Ward Member, Councillor Stammers, then gave an oral representation in objection to the application. The Committee heard that although the significant benefits of solar panels are recognised, they have to be installed correctly and be unobtrusive. The 28 solar panels installed on this property would seem to be more in place on an industrial building and not a residential property. The views from several of the adjoining flats have been changed from a plain roof with a stone balustrade to a large bank of solar panels, housed in 'bins' that are visually unattractive.

Ward Councillor and Committee Member, Councillor Mark Smith, echoed Cllr Stammers' views, highlighting the loss of amenity and outlook for residents. The need for such a large amount of solar panels was also questioned.

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

By virtue of its overbearing and industrial appearance and proximity to the windows of adjoining occupiers, the proposal has a harmful impact on the visual and residential amenities of those occupiers, thereby contrary to policy 37 of the Bromley Local Plan.

Enforcement action is authorised to secure the removal of the solar panels.

40

CONTRAVENTIONS AND OTHER ISSUES

NO REPORTS

41

TREE PRESERVATION ORDERS

NO REPORTS

The Meeting ended at 9.02 pm

Chairman

Agenda Item 4.1

Committee Date	25.01.2024	
Address	57 Star Lane Orpington BR5 3LJ	
Application Number	22/03652/FULL1	Officer - Jennie Harrison
Ward	St Mary Cray	
Proposal	Single storey side extension and two storey rear extension (PART RETROSPECTIVE)	
Applicant	Agent	
The Quach Co Ltd	Mr John McRory	
57 Star Lane Orpington BR5 3LJ	177 Mottingham Road Mottingham SE9 4SS	
Reason for referral to committee	Effective enforcement notice at the site	Councillor call in No

RECOMMENDATION	Permitted
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<p>KEY DESIGNATIONS</p> <p>Area of Archaeological Significance Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Renewal Area Smoke Control SCA 20</p>

Representation summary	Letters to neighbours were sent out on the 26.10.2022
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Total number of responses	0
Number in support	0
Number of objections	0

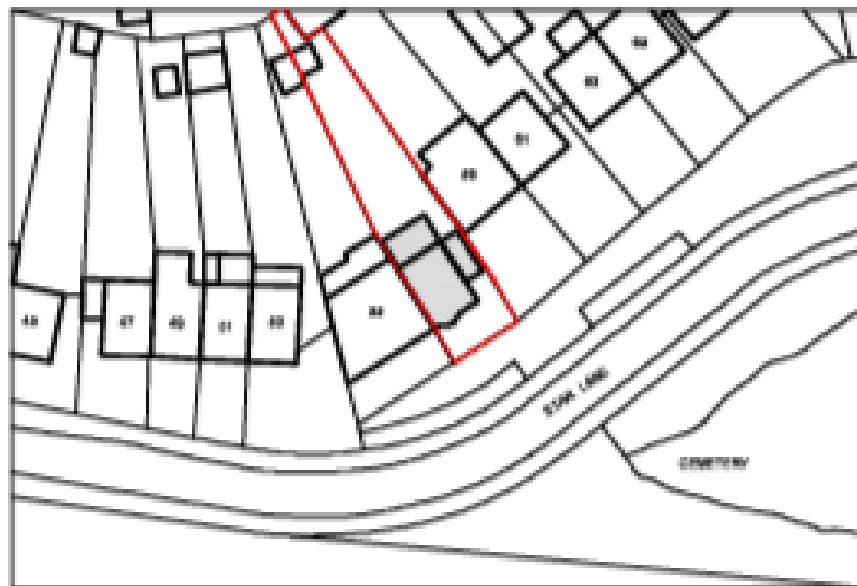
1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The two storey side extension would be reduced to single storey
- The staircase at the rear would be removed
- The rear extension would remain unchanged
- The proposed development would be of an acceptable design and would not harm the visual amenities of the street scene or the area in general
- There would be no significant impact on residential amenities

2. LOCATION

- 2.1. The site hosts a part two/three storey semi-detached dwelling which is situated on the Northern side of Star Lane, Orpington and is currently used as a House in Multiple Occupation.

Figure 1: Location Plan:



3. PROPOSAL

- 3.1 An enforcement notice under ref: 17/00374/OPDEV, was issued on 17 June 2019 and subsequently appealed and upheld on 24th June 2020. The notice required:
- Removal of the two storey side/rear extension and rear external staircase,
 - Removal from the land all resulting debris and materials as a result of the above.

- The period for compliance with the requirements was 9 months.

3.2 To address the enforcement notice planning permission is sought part retrospectively for a two-storey rear extension and a single storey side extension.

3.3 The existing property has a two-storey rear extension and a two-storey side extension, both of which are unauthorised as set out above. As part of the proposal the rear extension would remain unchanged, a door would be removed and replaced with a window, and the staircase would be removed. The two storey side extension would be reduced to single storey only.

Figure 1: Existing and proposed ground floor plan:

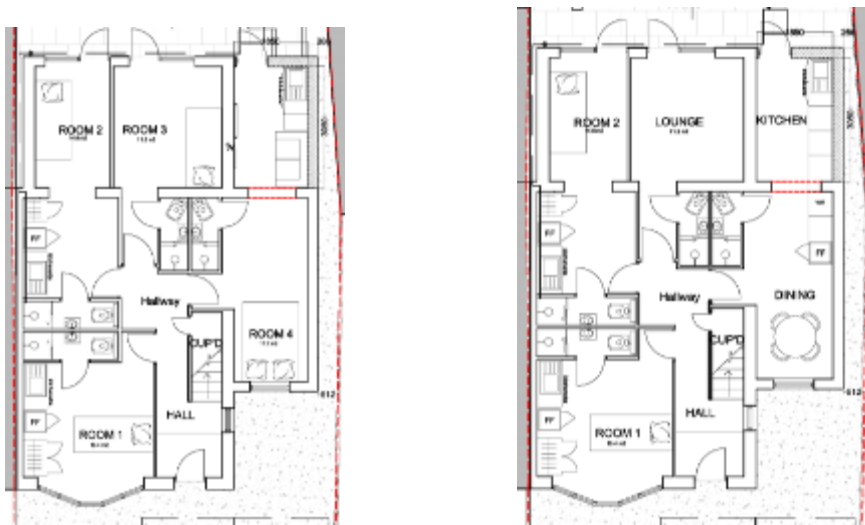


Figure 2: Existing and proposed first floor plan:

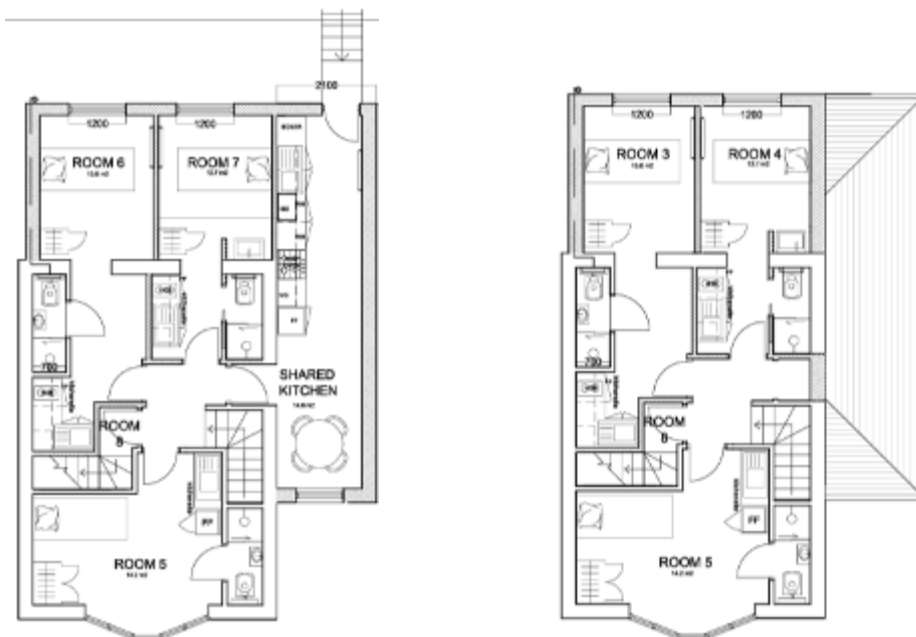


Figure 3: Existing and proposed rear elevation:



Figure 4: Existing and proposed side elevation:

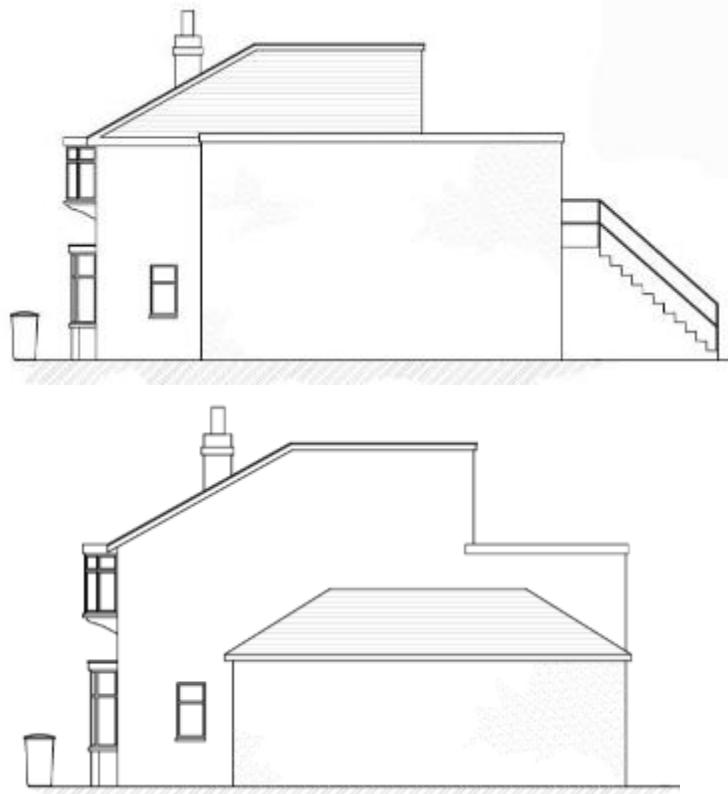


Figure 5: Existing and proposed front elevation:



Figure 6: Photographs of the site from the front:



Figure 7: Photographs of the site from the rear:



4. RELEVANT PLANNING HISTORY

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

4.2. 04/02508/FULL6 - Two storey side and rear extension - Refused

For the following reason:

- 1. The proposed extension by reason of its excessive size and bulk would be detrimental to the amenities of the adjacent properties by reason of loss of light and outlook, contrary to Policies H.3 and E.1 of the adopted Unitary Development Plan and Policies H8 and BE1 of the second deposit draft Unitary Development Plan (September 2002)*

4.3. 04/03780/FULL6 - Two storey side and rear extension – Permitted

And included condition 3 which stated:

“A side space of 1m shall be provided between the eastern flank wall of the extension hereby permitted and the flank boundary of the property”.

- 4.4. 17/01261/PLUD - Hip to gable roof extension, rear dormer window and rooflights. Lawful Development Certificate (Proposed) – Proposed use/development is not lawful; Appeal allowed
- 4.5. 17/01282/FULL6 - Hip to gable roof extension, two storey side/rear extension, elevational alterations including staircase to rear. Hardstanding to front to include x 1 new car parking space – Refused and Appeal dismissed

For the following reasons:

1. *The flat roofed side extension, hip to gable, and rear dormer extension would cumulatively result in a disproportionate extension of the building and would have a detrimental impact on the visual amenity of the locality contrary to policies BE1, H8 and H9 the Unitary Development Plan*
2. *The proposal would have a detrimental impact on spatial standards within the immediate locality, contrary to Policies BE1, H8 and H9 of the local plan*

The appeal decision concluded:

“Policy BE1 from the London Borough of Bromley Unitary Development Plan 2006 (UDP) seeks a high standard of design and layout which, amongst other things, notes that development should not detract from the existing street scene. UDP policy H8 requires the design and layout of extensions to respect the design, form and materials of the host dwelling. In particular, the reasoned justification for this policy also explains that 2 storey, flat roof side extensions to dwellings with a traditional roof design will be resisted unless the extension is well set back and unobtrusive. UDP policy H9 requires extensions of 2 storeys to maintain a minimum space of 1m from the side boundary of the site.

In this case, the side extension has a flat roof and, although set back, it is, in my opinion, very prominent in the street scene. When seen against the additional bulk of the extended roof and side of the rear roof dormer the overall effect of the side extension is dominant and out of scale with the nearby buildings in the street. Although these buildings are varied in style and materials, the contrast between the extended property at No. 57 and its pitched roofed neighbours is stark. This is exacerbated by the height of the parapet wall on the hip-to gable extension and the dormer addition and results in a building that appears oversized and clumsy in the street scene. In addition, and the extension fails to maintain a 1m gap with the neighbouring property, having a space of only about 0.5m to the boundary of No. 59.

I therefore consider that the development harms the character and appearance of the surrounding area and fails to comply with UDP policies BE1, H8 and H9”.

- 4.6. 20/04408/FULL1 - Two storey front/side extension and elevational alterations - Refused.

For the following reason:

- 1. The proposed part one/two storey side and rear extensions add excessive bulk to a prominent elevation of the host property which results in a dwelling that appears overly bulky, incongruous and is detrimental to the visual amenities of the area and would harm the spatial standards of the locality. This is contrary to policies 6, 8 and 37 of the Bromley Local Plan.*

5. CONSULTATION SUMMARY

A) Statutory

None were received.

B) Local Groups

None were received.

C) Adjoining Occupiers

None were received.

6. POLICIES AND GUIDANCE

National Planning Policy Framework 2023

NPPG

The London Plan

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

Bromley Local Plan 2019

- 6 Residential Extensions
- 37 General Design of Development

Bromley Supplementary Guidance

- Urban Design Supplementary Planning Document (July 2023)

7. ASSESSMENT

7.1 Resubmission

- 7.1.1 Under reference 04/03780/FULL6 permission was granted for 'Two storey side and rear extension' which was set back from the front elevation significantly and allowed for a side space of 1m.

Figure 8: Proposed plans from 04/03780/FULL6

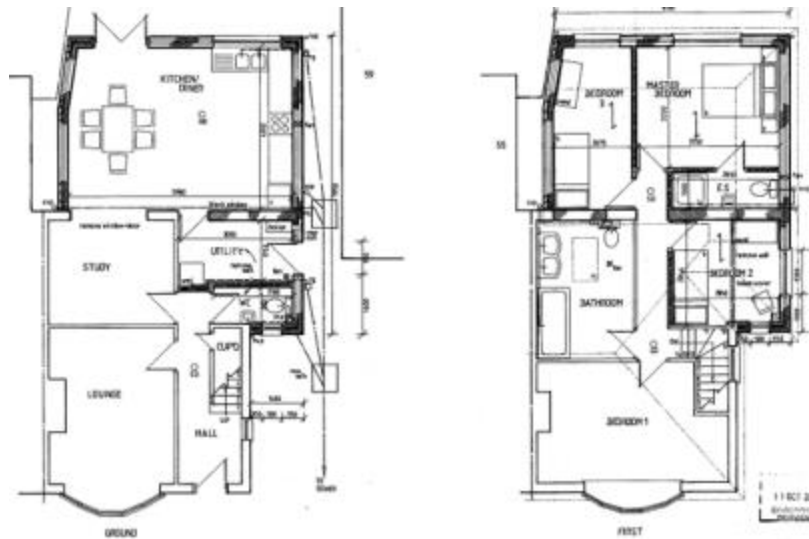


Figure 9: Proposed elevations from 04/03780/FULL6



7.1.2. Under reference 17/01282/FULL6 permission was refused and a subsequent appeal was dismissed for ‘Hip to gable roof extension, two storey side/rear extension, elevational alterations including staircase to rear. Hardstanding to front to include x 1 new car parking space.’

7.1.3. This proposal did not allow for any side space and incorporated a flat roof at two storey for both the side and rear extension. This extension was ultimately built.

Figure 10: Proposed plans from 17/01282/FULL6

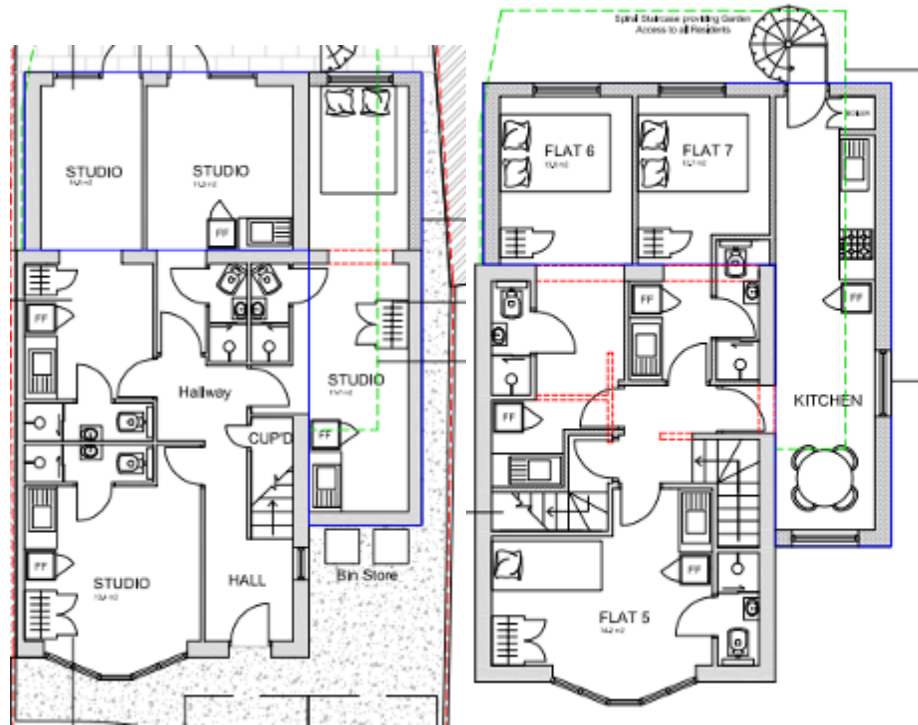


Figure 11: Proposed elevations from 17/01282/FULL6





7.1.4. Under reference 20/04408/FULL1 permission was refused for 'Two storey front/side extension and elevational alterations.' This application proposed a part one/two storey extension to the side, where the ground floor would still extend up to the boundary, and the first floor would provide 1m side space.

Figure 12: Proposed plans from 20/04408/FULL1

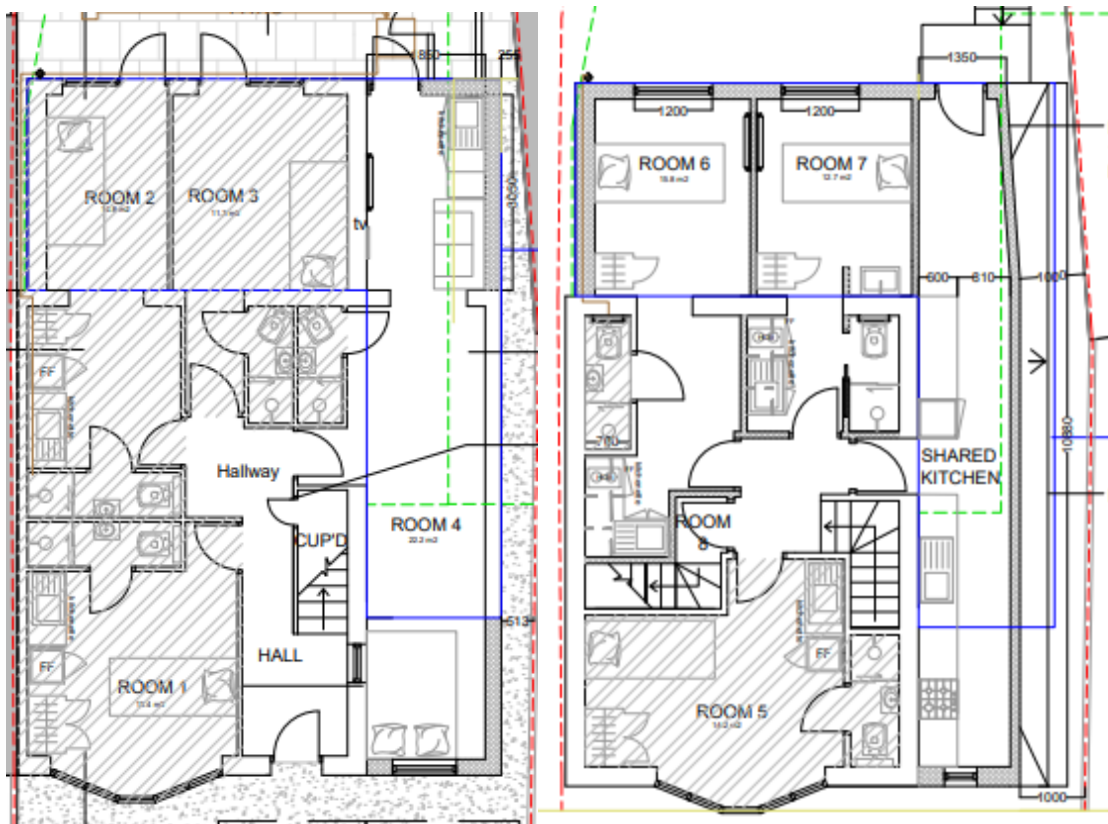


Figure 13: Proposed elevations from 20/04408/FULL1



7.2. Design - 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 and 37 of the Bromley Local Plan and the Council's Supplementary Planning 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.
- 7.2.4. The alterations to the extension at the side would include a reduction in scale from two to one storeys, along with the addition of a pitched roof and this would better reflect the character and appearance of the host dwelling and would therefore have a positive impact on the street scene.

- 7.2.5. The rear extension incorporates a flat roof and whilst this would not reflect the original dwelling, this is not uncommon in a residential setting such as this and a similar extension is in situ at number 55; it is not considered to cause any significant harm to the character and appearance of the host dwelling.
- 7.2.6. The rear extension may be somewhat visible from the street scene, due to the positioning of number 57 significantly further forward than number 59, however this will be very minimal and is not considered to cause any significant harm to the character and appearance of the street scene.
- 7.2.7. Having regard to its scale, siting and appearance, the proposal would complement the host property and would not appear out of character with surrounding development or the area generally.

7.3 Neighbourhood 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 Number 55 benefits from a part one/two storey rear extension with a similar rear building line to number 57 and as such it is considered that is no significant harm to these adjoining neighbours as a result of the existing two storey rear extension.
- 7.3.3 Nearest the boundary with number 59, the extension would be reduced to single storey. The property at number 59 is set back significantly from number 57, as such the side extension would have the most impact on the front of the property. The reduction in height of 1m from the ridge height and 2.4m from the eaves height would have a significantly positive impact on the adjoining occupiers.
- 7.3.4 It is considered therefore that the reduction in the side extension would be acceptable and would have no significantly detrimental impact on neighbouring amenity.
- 7.3.5 Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise.

7.4 Other Matters – Acceptable

- 7.4.1 Council records indicate that an HMO licence was originally granted in 2017, prior to the implementation of the Article 4 Direction removing the permitted development rights. The proposal would reduce the number of bedrooms from 8 to 6 and the property would remain as an HMO.

8 CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.
- 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. Standard Compliance with Plans**
- 2. Alterations to be implemented within 4 months**
- 3. No access to flat roof of rear extension**

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.



Appeal Decision

Site visit made on 11 March 2020

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/G5180/C/19/3233307

Land at 57 Star Lane, Orpington BR5 3LJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Raymond Lam, The Quach Co Ltd against an enforcement notice issued by the Council of the London Borough of Bromley.
 - The enforcement notice, numbered 17/00374/OPDEV, was issued on 17 June 2019.
 - The breach of planning control as alleged in the notice is without planning permission, on the land,
 - 1) The construction of a hip to gable roof extension, not in accordance with the Lawful Development Certificate plans ref 17/01261/PLUD approved by the Planning Inspector in the Appeal reference: APP/G5180/X/17/3184942, and
 - 2) The construction of a two storey side/rear extension and rear external staircase.
 - The requirements of the notice are to:
 - i. Make alterations to the roof to bring it into accordance with the plans ref 17/01261/PLUD approved by the Planning Inspector in the Appeal reference: APP/G5180/X/17/3184942,
 - ii. Remove the 2 storey side/rear extension described in paragraph 3.2,
 - iii. Remove from the land all resulting debris and materials as a result of the above.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. I direct that the enforcement notice be corrected by the deletion of the contents of paragraph 3 of the notice and the insertion of the following; "Without planning permission the construction of a two storey side/rear extension and rear external staircase";
2. I direct that the enforcement notice be corrected by the deletion of paragraph 5(i) of the notice.
3. I direct that the enforcement notice be corrected by the deletion of paragraph 5(ii) of the notice and the insertion of the following; "Remove the two storey side/rear extension and rear external staircase".
4. The appeal on ground (g) succeeds and the enforcement notice is varied by the deletion of 6 months and the substitution of 9 months as the period for compliance.

5. Subject to these corrections and variations the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Application for costs

6. An application for costs was made by Mr Raymond Lam, The Quach Co Ltd against Council of the London Borough of Bromley. This application is the subject of a separate decision.

The ground (e) appeal

7. The appellant asserts that the Council had not served the notice on the occupiers of the house in multiple occupation (HMO) and had incorrectly served the notice on the owners at the registered address listed on Companies House. The appellant indicates that it is with pure chance that he was made aware of the notice as a copy of the unopened letter was handed to him which was addressed to the owner/occupier of 57 Star Lane.
8. The Council maintain that the Limited Company was served the notice at the address disclosed on the Land Registry. In relation to the occupants of the HMO the Council had served a notice at the property address and the occupants would have been aware of the existence of the notice since they share the facilities of the HMO. It is argued that there was no need to serve the notice on each individual occupant of the HMO. The Council indicates that the owners had not suffered any injustice given that they have appealed the notice and the service to the owners/occupiers by hand had achieved the desired purpose since it was passed to the owner by the occupants of the property.
9. The appellant claims improper service of the notice in relation to section 172(2) and section 329 of the Act and that the HMO occupiers have been deprived of the right of appeal.
10. Section 329 deals with service of notices and indicates that a notice may be served either by delivering it to a person on whom it is to be served, by leaving it at the usual or last known place of abode of that person, by sending it to the address of that person, or by delivering it to the company secretary at the registered address of the company. The notice was served at the address of the appeal property and those persons that have an interest in the premises are taken to be duly served with the notice having regard to section 329(2). While this unopened letter was handed to the owner, he was ultimately aware of the notice and has appealed the notice on all grounds of appeal excluding one.
11. The Courts have also held that a local planning authority is entitled to serve an enforcement notice on property owners as it appears on the Land Registry. From the available evidence it is probable that the Council has appropriately served the notice on the owner and occupiers of the land in relation to section 172(2). Nevertheless, I may disregard improper service if the appellant or person not served with the notice are not substantially prejudiced. Given that the appellant has appealed the notice on four grounds of appeal the owner has not demonstrated what prejudice has arisen. The occupiers' position is similarly safeguarded by the owner's appeal and there is no available evidence to indicate that the occupiers would have appealed the notice on the remaining

ground (d), on immunity, when the owner/appellant had not elected to pursue this ground himself.

12. I therefore conclude that it appears that the Council had appropriately served the notice, but in any event, it has not been shown that the owner/occupiers' interests have been prejudiced by any lack of improper service.

13. The appeal on ground (e) therefore fails.

The ground (c) appeal

14. The ground (c) appeal relates to the hip to gable roof extension and the staircase. The appellant's submission in relation to the removal of the parking space hardstanding is not pursued as this is not an identified breach in the notice or a requirement of the notice.

The hip to gable roof extension

15. The Council concedes that the hip to gable extension has been constructed in accordance with the lawful development certificate APP/G5180/X/17/3184942 with the removal of the parapet wall and is not contesting this part of the appeal. The removal of the parapet wall was undertaken prior to the issuing of the notice and should not have been identified in the allegation and the requirements of the notice. This part of the ground (c) appeal succeeds and the notice is corrected accordingly.

The staircase

16. The appellant contends that the staircase is permitted development under Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, (GPDO).

17. The staircase is attached to a rear/side two storey extension. From the available evidence and having viewed the scaled drawings and site, I would concur with the Council that the extension would not be permitted development under Class A.1 (h)(i) and (j) of the GPDO. The staircase which is attached to a development which requires planning permission would itself not be permitted development. The staircase is a building operation and is development and extends beyond the rear wall of the original development by more than 3 metres and is attached to a development which has a width greater than half the width of the original dwellinghouse.

18. I therefore consider as a matter of fact and degree that the staircase is not permitted development under Article 3, Schedule 2, Part 1, Class A.1 (h)(i) and (j) of the GPDO. The staircase and the rear/side two storey extension as a matter of fact and degree is development requiring planning permission, and no such permission has been granted. This part of the ground (c) appeal therefore fails.

19. I note that the appellant indicates that the staircase is not mentioned in the requirement of the notice. In my view the wording of requirement 5(ii) does refer to the description in paragraph 3.2 of the allegation and is therefore clear on its face that the staircase forms part of the requirements of the notice.

20. Due to the partial success on ground (c) the allegation and requirements would need altering. These changes now merely reflect the development enforced against and therefore no prejudice would arise from them.

The appeal on ground (a) and the deemed application

21. The main issue is the effect of the development on the character and appearance of the surrounding area.
22. The appeal property is a two-storey semi-detached house that has been extended with a recessed two-storey flat roof side extension and a two-storey flat roof rear extension and rear external staircase.
23. A rear dormer and hip to gable roof extension has been added which was considered lawful under permitted development and allowed on appeal under reference APP/G5180/X/17/3184942.
24. The two-storey side and rear extension and staircase was dismissed at appeal under reference APP/G5180/W/17/3189594 in 2018, although this deemed application included the parapet wall which has since been removed. The current appeal is therefore considering the as-built extensions described in paragraph 22.
25. No. 57 sits forward of No. 59 which has a single storey garage adjacent to the boundary with No. 57. The two-storey side extension of No. 57 is positioned right-up to the common boundary adjoining the single storey garage and extends above it. The flat roof construction of the two-storey side extension is evident when viewed from the pavement in front of No. 59. Its box-like shape while recessed is made noticeable due to its scale and proximity to the boundary of the site. Set against the altered and shallower pitch of the main rear roof plane and steeper front roof slope it appears at odds lacking uniformity. The side extension does not therefore tie into the design of the main house or appear to match any other roof design in the vicinity of the appeal site.
26. I note that No. 55 and No. 53 have added side extensions although these schemes have incorporated a pitch roof into their designs. There is some variety to the type and design of houses along Star Lane, but these generally have been altered with a form of pitched roof which ties into the main house or has some relief in terms of separation distance from the neighbouring boundary. In the case of the appeal development there is limited separation distance resulting in a development which appears cramped. The previous Inspector concluded that the development appeared oversized and clumsy in the street scene exacerbated by the height of the parapet wall. Following the removal of the parapet wall these criticisms are not altogether resolved. The development in my view does appear an incongruous addition to the appeal property and the surrounding area.
27. The rear extension and staircase forms part of the development enforced against. They are not separate components of the development and are integral to the functioning HMO. I note the concern of the Council concerning the design of the staircase and the concern from the neighbouring resident in relation to overlooking. However, the staircase is generally hidden from public viewpoints and does not adversely impact on the character and appearance of the surrounding area. I consider that the overlooking concern is not significantly different or made worse than the degree of overlooking which already occurs from the rear dormers of the appeal property and the first-floor rear extension windows. However, given my conclusion that the side extension

- is unacceptable, and these elements form the whole development enforced against the appeal on ground (a) and the deemed application fails to succeed.
28. I have considered the previous planning permission plans granted in 2004 under reference 04/03780. This permission was not implemented and whilst it appears a larger rear/side extension, it is a materially different scheme set further-back from the front, had a pitched roof and was considered under a different policy context.
29. I note the suggestion that the appellant would be willing to accept a planning condition requiring the side extension to have a pitched roof and for this to be submitted for approval to the local planning authority. However, I am not certain of the final design of the roof and no details are before me to demonstrate its appearance and finished materials. The deemed application is that which is enforced against and I am not in a position to grant a deemed application whereby the details have not been shown.
30. I consider that the development fails to comply with relevant Bromley Local Plan Policies 6, 8 and 37 referred to in the notice. These require that residential extensions respect the scale and form of the host dwelling and the surrounding area, provide space or gaps between buildings where they contribute to the character of the area, and require a minimum of 1 metre space from the side boundary of the site where the development is two or more storeys in height. All development proposals are expected to be of a high standard of design and respect the scale, proportion, form, layout of adjacent buildings and areas and positively contribute to the existing street scene. For the reasons I have outlined above the development fails to comply with these fore-mentioned policies.
31. I conclude that the development harms the character and appearance of the surrounding area. The ground (a) appeal and the deemed application should be dismissed.

The ground (f) appeal

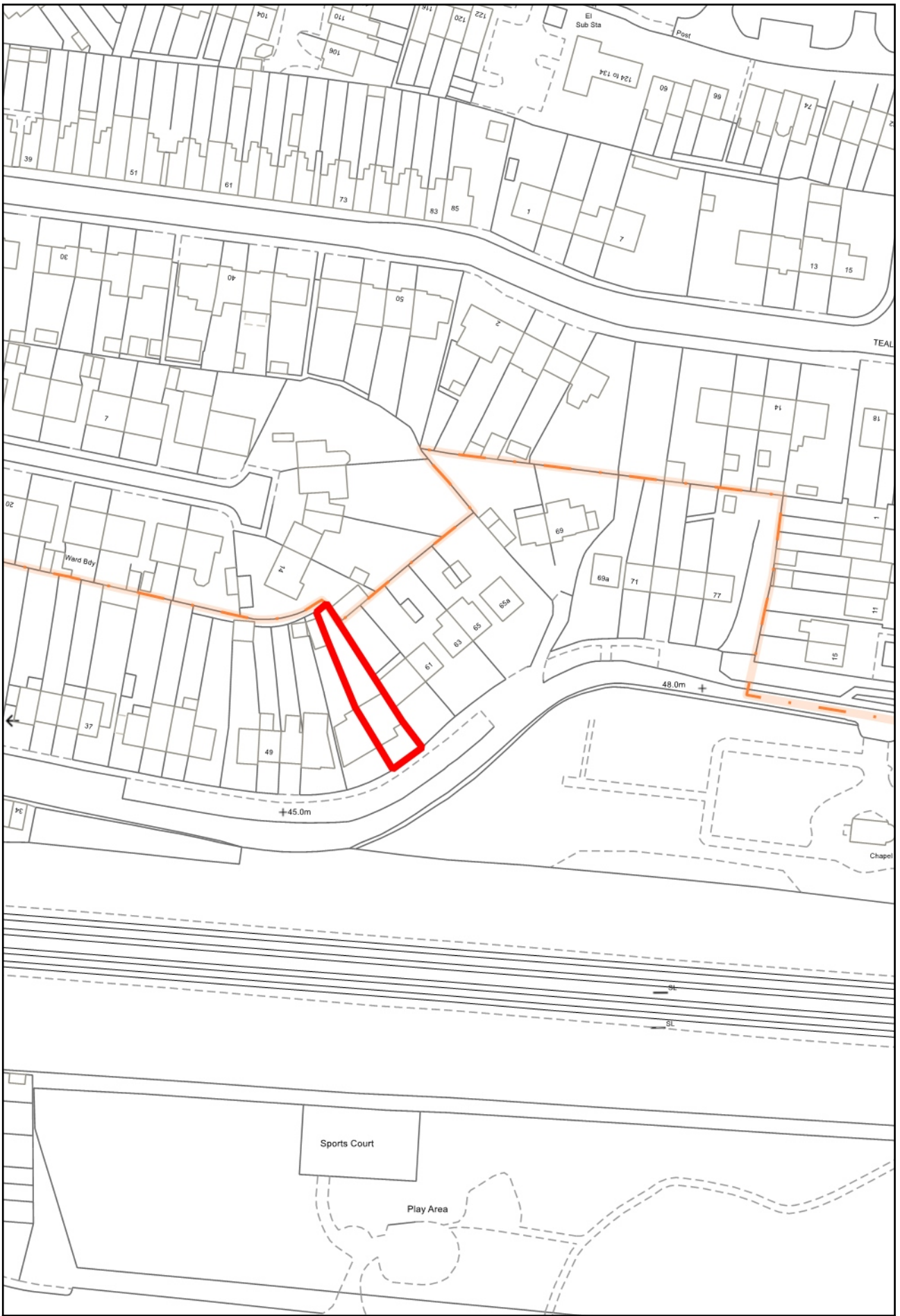
32. The appellant claims that the side/rear extension development is policy compliant and should not be required to be demolished. The hip to gable extension and staircase is permitted development and should be allowed to remain.
33. I have considered the side/rear extension under the ground (a) appeal and concluded that this development is not policy compliant. The hip to gable extension is permitted development and for the reasons I have outlined under the ground (c) appeal the notice is corrected accordingly. For the reasons I have outlined in the ground (c) appeal the staircase is not permitted development and the requirement to remove it is necessary as it is attached to the rear wall of the unauthorised extension.
34. The requirements of the notice as corrected are to remove the side/rear extension and rear external staircase and to remove from the land all resulting debris and materials. These steps are not excessive, and no lesser step or obvious alternative lesser step has been put forward that would remedy the breach of planning control.
35. The appeal on ground (f) therefore fails.

The ground (g) appeal


36. The appellant indicates that 6 months is too short a period as the tenants of the HMO have individual tenancy agreements which run beyond that period. Should the tenants challenge the eviction then this would prolong the period needed to ensure vacant possession of the property. Remedial works could not be undertaken to the property while tenants are in the process of challenging the eviction notice. The appellant seeks 24 months as the compliance period.
37. The Council indicates that no evidence has been submitted in relation to the tenancy agreements and given that the development has been in situ since 2017 the appellant has had two years to re-house the tenants. The Council indicates that HMO tenancies usually run for 12 months with a six-month fixed period where neither party can end the tenancy. For this reason, the Council contends that 6 months is an appropriate compliance period.
38. However, I must balance the Council's reasons for issuing the notice in the public interest against the burden placed on the appellant and the disadvantage to persons who share the HMO accommodation, who will need to find alternative living arrangements.
39. In my view, a period of 9 months would strike the appropriate balance between these two conflicting interests so there would not be a disproportionate burden placed on the appellant. Whilst this extends the period of compliance it would provide an opportunity to find an alternative solution for the needs of the tenants.
40. To this limited extent, the appeal on ground (g) succeeds.

Iwan Lloyd

INSPECTOR



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15 January 2024

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Agenda Item 4.2

Committee Date	25.01.2024	
Address	87 Southlands Avenue Orpington BR6 9ND	
Application Number	23/01743/FULL6	Officer - Jennie Harrison
Ward	Farnborough and Crofton	
Proposal	Retention of single storey rear extension and raised decking (RETROSPECTIVE)	
Applicant	Agent	
Mr and Mrs Edward and Caroline Samuels	Mr John Escott	
87 Southlands Avenue Orpington BR6 9ND	Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN	
Reason for referral to committee	Councillor call in	
Effective enforcement notice at the site	No	

RECOMMENDATION	Permitted
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 14</p>
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Representation summary	Letters to neighbours were sent out on the 18.05.2023
Total number of responses	0

Number in support	0
Number of objections	0

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed development would be of an acceptable design and would not harm the visual amenities of the street scene or the area in general.
- There would be no significant impact on residential amenities.

2. LOCATION

2.1. The site hosts a single storey semi-detached dwelling which is situated on the northern side of Southlands, Orpington.

Figure 1: Location Plan:



3. PROPOSAL

- 3.1. Planning permission is sought retrospectively for a ground floor rear extension and raised decking. The rear extension has a depth of 2.7m, a width of 3.8m, a minimum height of 3.3m and a maximum height of 3.9m, due to the sloping ground.
- 3.2. The raised patio has a depth of 2.4m, a width of 4.6m (inclusive of the steps), a minimum height of 0.7m and a maximum height of 1.3m. There is privacy screening in place with a height of 1.8m for the full length of the raised patio on the shared boundary with number 85.
- 3.3. There is an effective enforcement notice for this extension, the notice was issued on 22nd March 2021 and required the overall height of the extension to be reduced by 0.36m to fall within permitted development right tolerance.

Figure 2: Pre-existing and existing ground floor plan:

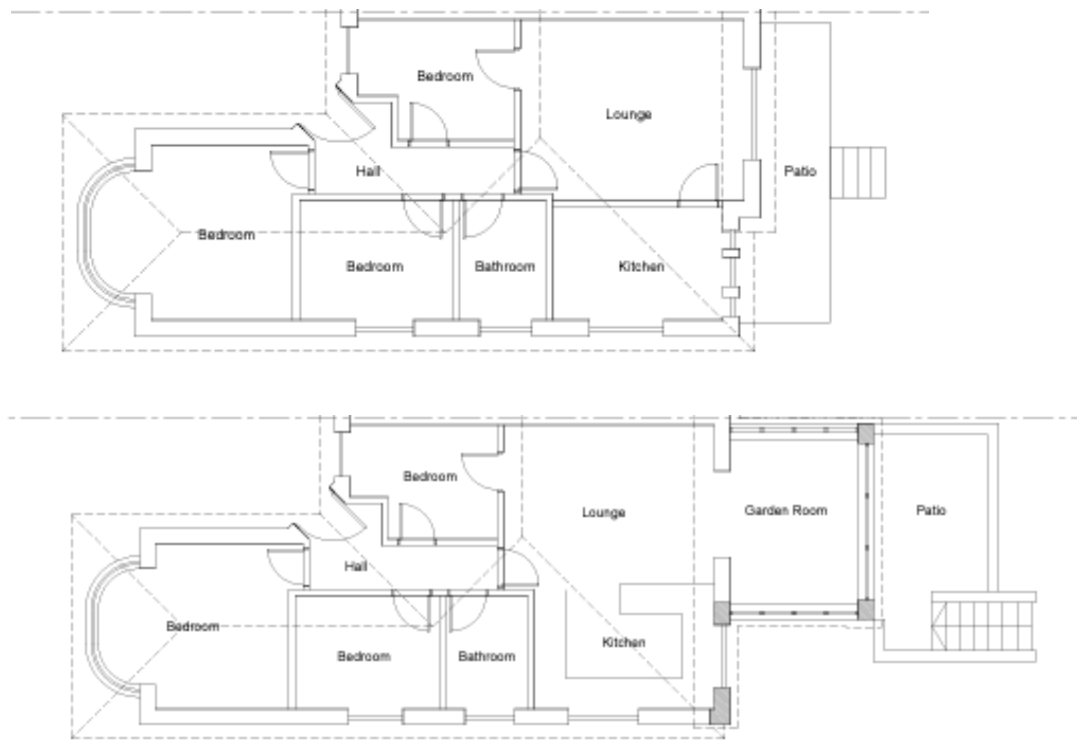


Figure 3: Pre-existing and existing rear elevation:



Figure 4: Pre-existing and existing side elevation:

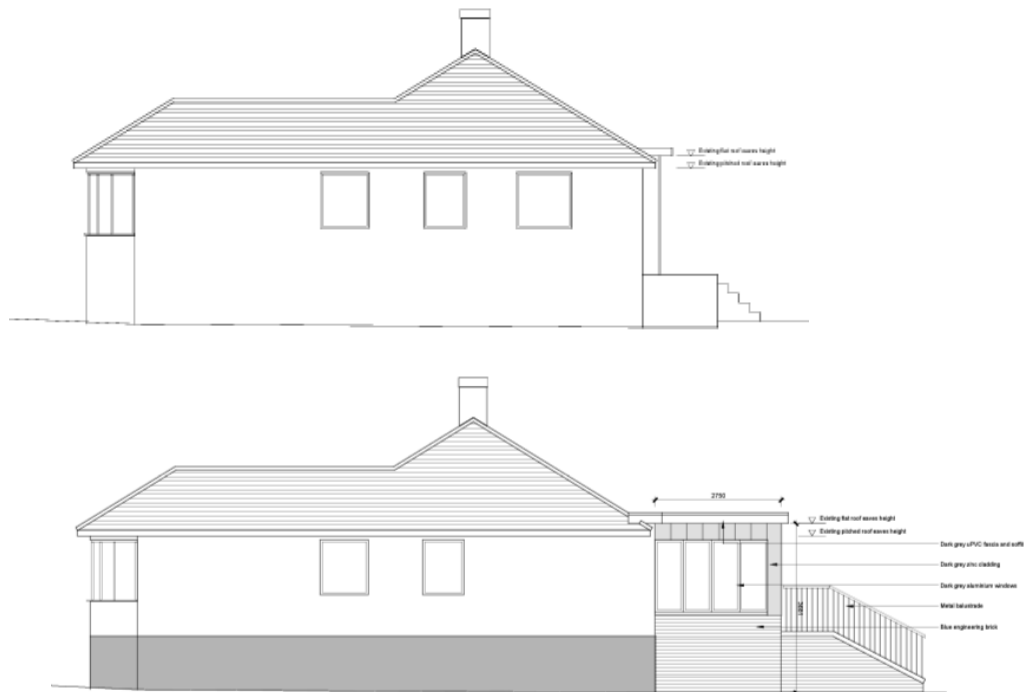


Figure 5: Pre-existing and existing other side elevation:

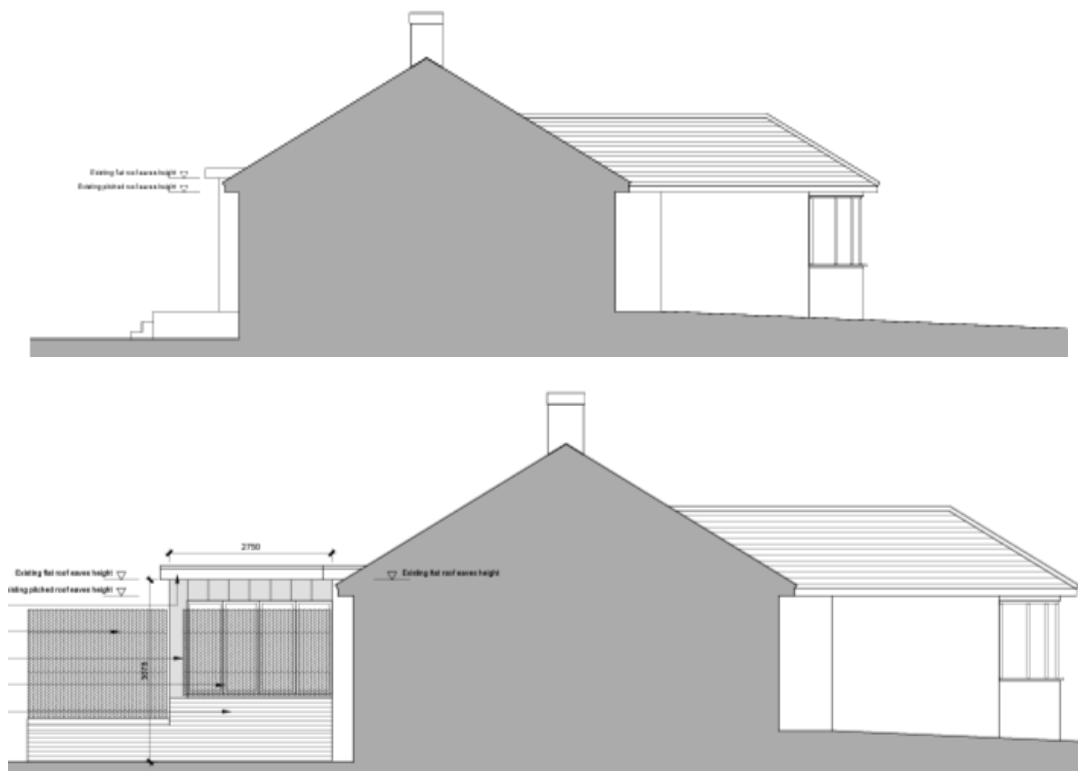


Figure 6: Rear elevation:



Figure 7: View towards adjoining neighbour No. 85:



Figure 8: View towards neighbouring property No. 89:



4. RELEVANT PLANNING HISTORY

4.1. There is no relevant planning history relating to the application site.

5. CONSULTATION SUMMARY

A) Statutory

None were received.

B) Local Groups

None were received.

C) Adjoining Occupiers

None were received.

6. POLICIES AND GUIDANCE

National Planning Policy Framework 2023

NPPG

The London Plan

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

Bromley Local Plan 2019

- 6 Residential Extensions
- 37 General Design of Development

Bromley Supplementary Guidance

- Urban Design Supplementary Planning Document (July 2023)

7. ASSESSMENT

7.1. Design - 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 BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.1.3. Policies 6 and 37 of the Bromley Local Plan and the Council's Supplementary Planning 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.
- 7.1.4. The extension is located to the rear of the property and due to its scale and siting is not visible from the front of the property. The extension has grey cladding and a flat roof, resulting in a modern and contemporary design approach which contrasts against the host building. Given the discrete location to the rear of the property it is considered that the development would not cause any significant harm to the character and appearance of the host dwelling or area generally.
- 7.1.5. With regards to the raised patio with steps down to the garden, this projects 2.4m, 4.6m wide (inclusive of the steps), a minimum height of 0.7m and a maximum height of 1.3m. Privacy screening is in place along the shared boundary with No. 85 to a height of 1.8m for the full length of the raised patio. Given the changes in land level along Southland Avenue a number of properties have raised patios, it is considered that the raised patio and steps are appropriate in scale and compliment the host dwelling and are not out of character with the area.
- 7.1.6. Whilst it is acknowledged that there is an effective enforcement notice which requires the rear extension to be reduced by 0.36m to bring it into permitted development right tolerances, this proposal is a planning application which needs to be assessed against the above policies. Taking into account the scale, siting and modern design approach which has been used, it is considered that the proposal would be acceptable and would not appear out of character with surrounding development or the area generally.

7.2. Neighbourhood Amenity – Acceptable

- 7.2.1. 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.
- 7.2.2. The rear extension has a depth of 2.7m, and incorporates a flat roof, it abuts the boundary with number 85. It is considered that due to the scale of the proposed extension there would be no significant impact on the adjoining occupiers at number 85.

- 7.2.3. Nearest the boundary with number 89 the extension is set in from the boundary by 3.3m, this is considered to be sufficient to maintain the outlook and amenity for the adjoining occupiers at number 89.
- 7.2.4. In terms of the raised patio at the rear, privacy screening has been included along the boundary to a height of 1. this is considered to be sufficient to maintain the privacy for the occupiers at number 85.
- 7.2.5. Given the separation distance of the property at number 89 it is considered that there would be no significant detrimental impact on the privacy of these adjoining occupiers over and above that which would be experienced in a residential setting such as this.
- 7.2.6. Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise.

8. CONCLUSION

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

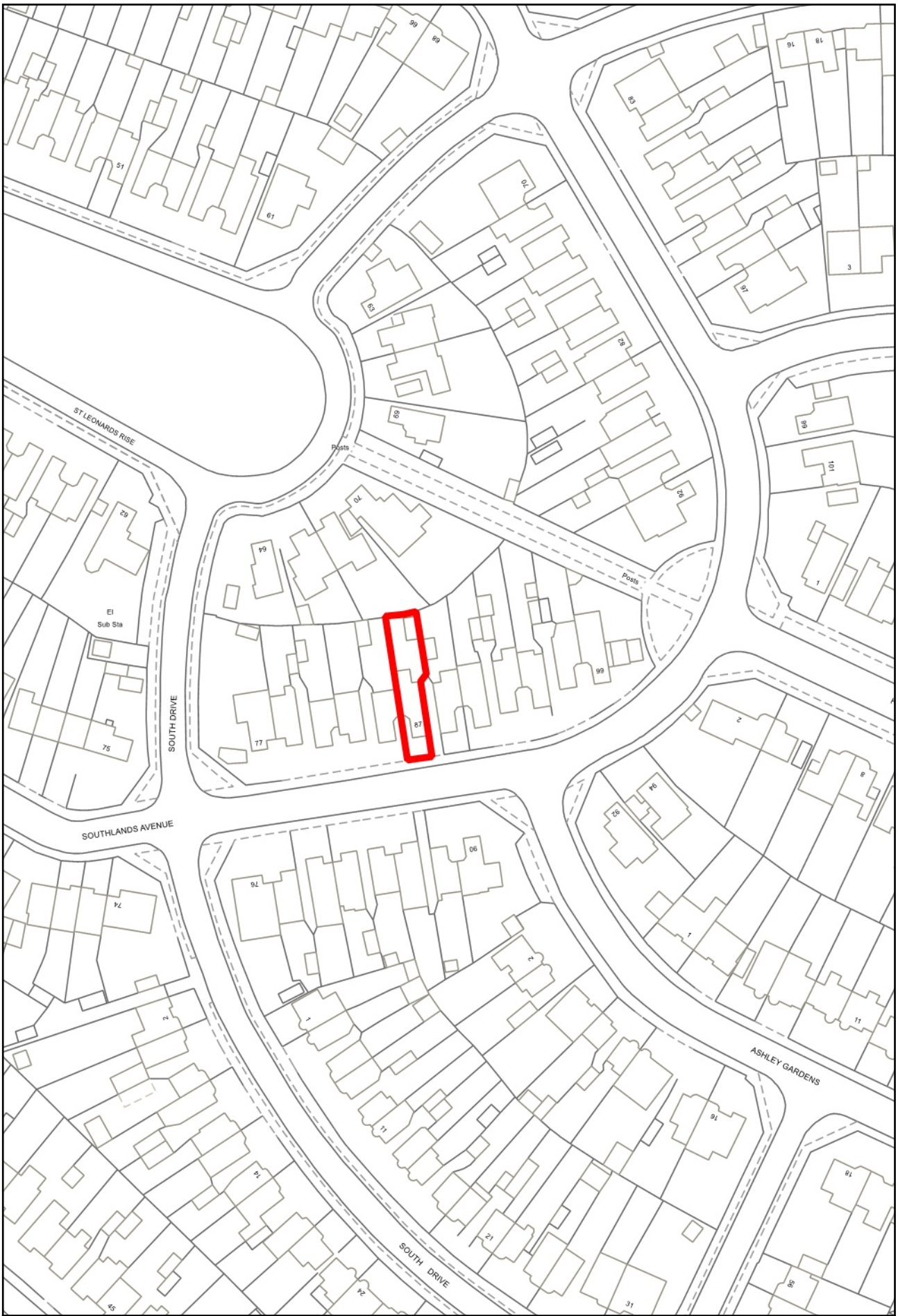
RECOMMENDATION:

Application Permitted

Subject to the following conditions:

- 1. Retain in accordance with the plans**
- 2. Permanently retain boundary screening**

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.



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15 January 2024

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